

HOUSE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 1394

AN ACT

2 To repeal sections 32.087, 94.270, 100.710,  
3 135.481, 135.750, 137.100, 137.101, 137.115,  
4 137.298, 137.505, 143.081, 143.121, 143.431,  
5 143.782, 144.025, 144.030, 144.083, 144.615,  
6 301.025, and 644.032, RSMo, section 100.850,  
7 RSMo, as enacted by conference committee  
8 substitute for senate substitute for senate  
9 committee substitute for house committee  
10 substitute for house bill no. 289, ninety-  
11 second general assembly, first regular  
12 session, and section 100.850, RSMo, as  
13 enacted by senate committee substitute for  
14 senate bill no. 620, ninety-second general  
15 assembly, first regular session, and to enact  
16 in lieu thereof twenty-three new sections  
17 relating to taxation, with an effective date  
18 for certain sections and with an emergency  
19 clause.

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
21 AS FOLLOWS:

22 Section A. Sections 32.087, 94.270, 100.710, 135.481,  
23 135.750, 137.100, 137.101, 137.115, 137.298, 137.505, 143.081,  
24 143.121, 143.431, 143.782, 144.025, 144.030, 144.083, 144.615,  
25 301.025, and 644.032, RSMo, section 100.850, RSMo, as enacted by  
26 conference committee substitute for senate substitute for senate  
27 committee substitute for house committee substitute for house

1 bill no. 289, ninety-second general assembly, first regular  
2 session, and section 100.850, RSMo, as enacted by senate  
3 committee substitute for senate bill no. 620, ninety-second  
4 general assembly, first regular session, are repealed and twenty-  
5 three new sections enacted in lieu thereof, to be known as  
6 sections 32.087, 94.270, 100.710, 100.850, 135.481, 135.751,  
7 137.078, 137.100, 137.101, 137.115, 137.298, 137.505, 143.081,  
8 143.121, 143.431, 143.782, 144.025, 144.030, 144.083, 144.615,  
9 301.025, 644.032, and 1, to read as follows:

10 32.087. 1. Within ten days after the adoption of any  
11 ordinance or order in favor of adoption of any local sales tax  
12 authorized under the local sales tax law by the voters of a  
13 taxing entity, the governing body or official of such taxing  
14 entity shall forward to the director of revenue by United States  
15 registered mail or certified mail a certified copy of the  
16 ordinance or order. The ordinance or order shall reflect the  
17 effective date thereof.

18 2. Any local sales tax so adopted shall become effective on  
19 the first day of the second calendar quarter after the director  
20 of revenue receives notice of adoption of the local sales tax,  
21 except as provided in subsection 18 of this section.

22 3. Every retailer within the jurisdiction of one or more  
23 taxing entities which has imposed one or more local sales taxes  
24 under the local sales tax law shall add all taxes so imposed

1 along with the tax imposed by the sales tax law of the state of  
2 Missouri to the sale price and, when added, the combined tax  
3 shall constitute a part of the price, and shall be a debt of the  
4 purchaser to the retailer until paid, and shall be recoverable at  
5 law in the same manner as the purchase price. The combined rate  
6 of the state sales tax and all local sales taxes shall be the sum  
7 of the rates, multiplying the combined rate times the amount of  
8 the sale.

9 4. The brackets required to be established by the director  
10 of revenue under the provisions of section 144.285, RSMo, shall  
11 be based upon the sum of the combined rate of the state sales tax  
12 and all local sales taxes imposed under the provisions of the  
13 local sales tax law.

14 5. The ordinance or order imposing a local sales tax under  
15 the local sales tax law shall impose upon all sellers a tax for  
16 the privilege of engaging in the business of selling tangible  
17 personal property or rendering taxable services at retail to the  
18 extent and in the manner provided in sections 144.010 to 144.525,  
19 RSMo, and the rules and regulations of the director of revenue  
20 issued pursuant thereto; except that the rate of the tax shall be  
21 the sum of the combined rate of the state sales tax or state  
22 highway use tax and all local sales taxes imposed under the  
23 provisions of the local sales tax law.

24 6. On and after the effective date of any local sales tax

1 imposed under the provisions of the local sales tax law, the  
2 director of revenue shall perform all functions incident to the  
3 administration, collection, enforcement, and operation of the  
4 tax, and the director of revenue shall collect in addition to the  
5 sales tax for the state of Missouri all additional local sales  
6 taxes authorized under the authority of the local sales tax law.  
7 All local sales taxes imposed under the local sales tax law  
8 together with all taxes imposed under the sales tax law of the  
9 state of Missouri shall be collected together and reported upon  
10 such forms and under such administrative rules and regulations as  
11 may be prescribed by the director of revenue.

12 7. All applicable provisions contained in sections 144.010  
13 to 144.525, RSMo, governing the state sales tax and section  
14 32.057, the uniform confidentiality provision, shall apply to the  
15 collection of any local sales tax imposed under the local sales  
16 tax law except as modified by the local sales tax law.

17 8. All exemptions granted to agencies of government,  
18 organizations, persons and to the sale of certain articles and  
19 items of tangible personal property and taxable services under  
20 the provisions of sections 144.010 to 144.525, RSMo, as these  
21 sections now read and as they may hereafter be amended, it being  
22 the intent of this general assembly to ensure that the same sales  
23 tax exemptions granted from the state sales tax law also be  
24 granted under the local sales tax law, are hereby made applicable

1 to the imposition and collection of all local sales taxes imposed  
2 under the local sales tax law.

3 9. The same sales tax permit, exemption certificate and  
4 retail certificate required by sections 144.010 to 144.525, RSMo,  
5 for the administration and collection of the state sales tax  
6 shall satisfy the requirements of the local sales tax law, and no  
7 additional permit or exemption certificate or retail certificate  
8 shall be required; except that the director of revenue may  
9 prescribe a form of exemption certificate for an exemption from  
10 any local sales tax imposed by the local sales tax law.

11 10. All discounts allowed the retailer under the provisions  
12 of the state sales tax law for the collection of and for payment  
13 of taxes under the provisions of the state sales tax law are  
14 hereby allowed and made applicable to any local sales tax  
15 collected under the provisions of the local sales tax law.

16 11. The penalties provided in section 32.057 and sections  
17 144.010 to 144.525, RSMo, for a violation of the provisions of  
18 those sections are hereby made applicable to violations of the  
19 provisions of the local sales tax law.

20 12. (1) For the purposes of any local sales tax imposed by  
21 an ordinance or order under the local sales tax law, all sales,  
22 except the sale of motor vehicles, trailers, boats, and outboard  
23 motors, shall be deemed to be consummated at the place of  
24 business of the retailer unless the tangible personal property

1 sold is delivered by the retailer or his agent to an out-of-state  
2 destination. In the event a retailer has more than one place of  
3 business in this state which participates in the sale, the sale  
4 shall be deemed to be consummated at the place of business of the  
5 retailer where the initial order for the tangible personal  
6 property is taken, even though the order must be forwarded  
7 elsewhere for acceptance, approval of credit, shipment or  
8 billing. A sale by a retailer's agent or employee shall be  
9 deemed to be consummated at the place of business from which he  
10 works.

11 (2) For the purposes of any local sales tax imposed by an  
12 ordinance or order under the local sales tax law, all sales of  
13 motor vehicles, trailers, boats, and outboard motors shall be  
14 deemed to be consummated at the residence of the purchaser and  
15 not at the place of business of the retailer, or the place of  
16 business from which the retailer's agent or employee works.

17 (3) For the purposes of any local tax imposed by an  
18 ordinance or under the local sales tax law on charges for mobile  
19 telecommunications services, all taxes of mobile  
20 telecommunications service shall be imposed as provided in the  
21 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116  
22 through 124, as amended.

23 13. Local sales taxes imposed pursuant to the local sales  
24 tax law on the purchase and sale of motor vehicles, trailers,

1 boats, and outboard motors shall not be collected and remitted by  
2 the seller, but shall be collected by the director of revenue at  
3 the time application is made for a certificate of title, if the  
4 address of the applicant is within a taxing entity imposing a  
5 local sales tax under the local sales tax law.

6 14. The director of revenue and any of his deputies,  
7 assistants and employees who have any duties or responsibilities  
8 in connection with the collection, deposit, transfer,  
9 transmittal, disbursement, safekeeping, accounting, or recording  
10 of funds which come into the hands of the director of revenue  
11 under the provisions of the local sales tax law shall enter a  
12 surety bond or bonds payable to any and all taxing entities in  
13 whose behalf such funds have been collected under the local sales  
14 tax law in the amount of one hundred thousand dollars for each  
15 such tax; but the director of revenue may enter into a blanket  
16 bond covering himself and all such deputies, assistants and  
17 employees. The cost of any premium for such bonds shall be paid  
18 by the director of revenue from the share of the collections  
19 under the sales tax law retained by the director of revenue for  
20 the benefit of the state.

21 15. The director of revenue shall annually report on his  
22 management of each trust fund which is created under the local  
23 sales tax law and administration of each local sales tax imposed  
24 under the local sales tax law. He shall provide each taxing

1     entity imposing one or more local sales taxes authorized by the  
2     local sales tax law with a detailed accounting of the source of  
3     all funds received by him for the taxing entity. Notwithstanding  
4     any other provisions of law, the state auditor shall annually  
5     audit each trust fund. A copy of the director's report and  
6     annual audit shall be forwarded to each taxing entity imposing  
7     one or more local sales taxes.

8           16. Within the boundaries of any taxing entity where one or  
9     more local sales taxes have been imposed, if any person is  
10    delinquent in the payment of the amount required to be paid by  
11    him under the local sales tax law or in the event a determination  
12    has been made against him for taxes and penalty under the local  
13    sales tax law, the limitation for bringing suit for the  
14    collection of the delinquent tax and penalty shall be the same as  
15    that provided in sections 144.010 to 144.525, RSMo. Where the  
16    director of revenue has determined that suit must be filed  
17    against any person for the collection of delinquent taxes due the  
18    state under the state sales tax law, and where such person is  
19    also delinquent in payment of taxes under the local sales tax  
20    law, the director of revenue shall notify the taxing entity [to  
21    which delinquent taxes are due under the local sales tax law by  
22    United States registered mail or certified mail at least ten days  
23    before turning the case over to the attorney general. The taxing  
24    entity, acting through its attorney, may join in such suit as a



1 party plaintiff to seek a judgment for the delinquent taxes and  
2 penalty due such taxing entity.] in the event any person fails or  
3 refuses to pay the amount of any local sales tax due[, the  
4 director of revenue shall promptly notify the taxing entity to  
5 which the tax would be due] so that appropriate action may be  
6 taken by the taxing entity.

7 17. Where property is seized by the director of revenue  
8 under the provisions of any law authorizing seizure of the  
9 property of a taxpayer who is delinquent in payment of the tax  
10 imposed by the state sales tax law, and where such taxpayer is  
11 also delinquent in payment of any tax imposed by the local sales  
12 tax law, the director of revenue shall permit the taxing entity  
13 to join in any sale of property to pay the delinquent taxes and  
14 penalties due the state and to the taxing entity under the local  
15 sales tax law. The proceeds from such sale shall first be  
16 applied to all sums due the state, and the remainder, if any,  
17 shall be applied to all sums due such taxing entity.

18 18. If a local sales tax has been in effect for at least  
19 one year under the provisions of the local sales tax law and  
20 voters approve reimposition of the same local sales tax at the  
21 same rate at an election as provided for in the local sales tax  
22 law prior to the date such tax is due to expire, the tax so  
23 reimposed shall become effective the first day of the first  
24 calendar quarter after the director receives a certified copy of

1 the ordinance, order or resolution accompanied by a map clearly  
2 showing the boundaries thereof and the results of such election,  
3 provided that such ordinance, order or resolution and all  
4 necessary accompanying materials are received by the director at  
5 least thirty days prior to the expiration of such tax. Any  
6 administrative cost or expense incurred by the state as a result  
7 of the provisions of this subsection shall be paid by the city or  
8 county reimposing such tax.

9 94.270. 1. The mayor and board of aldermen shall have  
10 power and authority to regulate and to license and to levy and  
11 collect a license tax on auctioneers, druggists, hawkers,  
12 peddlers, banks, brokers, pawnbrokers, merchants of all kinds,  
13 grocers, confectioners, restaurants, butchers, taverns, hotels,  
14 public boardinghouses, billiard and pool tables and other tables,  
15 bowling alleys, lumber dealers, real estate agents, loan  
16 companies, loan agents, public buildings, public halls, opera  
17 houses, concerts, photographers, bill posters, artists, agents,  
18 porters, public lecturers, public meetings, circuses and shows,  
19 for parades and exhibitions, moving picture shows, horse or  
20 cattle dealers, patent right dealers, stockyards, inspectors,  
21 gaugers, mercantile agents, gas companies, insurance companies,  
22 insurance agents, express companies, and express agents,  
23 telegraph companies, light, power and water companies, telephone  
24 companies, manufacturing and other corporations or institutions,

1 automobile agencies, and dealers, public garages, automobile  
2 repair shops or both combined, dealers in automobile accessories,  
3 gasoline filling stations, soft drink stands, ice cream stands,  
4 ice cream and soft drink stands combined, soda fountains, street  
5 railroad cars, omnibuses, drays, transfer and all other vehicles,  
6 traveling and auction stores, plumbers, and all other business,  
7 trades and avocations whatsoever, and fix the rate of carriage of  
8 persons, drayage and cartage of property; and to license, tax,  
9 regulate and suppress ordinaries, money brokers, money changers,  
10 intelligence and employment offices and agencies, public  
11 masquerades, balls, street exhibitions, dance houses, fortune  
12 tellers, pistol galleries, corn doctors, private venereal  
13 hospitals, museums, menageries, equestrian performances,  
14 horoscopic views, telescopic views, lung testers, muscle  
15 developers, magnifying glasses, ten pin alleys, ball alleys,  
16 billiard tables, pool tables and other tables, theatrical or  
17 other exhibitions, boxing and sparring exhibitions, shows and  
18 amusements, tippling houses, and sales of unclaimed goods by  
19 express companies or common carriers, auto wrecking shops and  
20 junk dealers; to license, tax and regulate hackmen, draymen,  
21 omnibus drivers, porters and all others pursuing like  
22 occupations, with or without vehicles, and to prescribe their  
23 compensation; and to regulate, license and restrain runners for  
24 steamboats, cars, and public houses; and to license ferries, and

1 to regulate the same and the landing thereof within the limits of  
2 the city, and to license and tax auto liveries, auto drays and  
3 jitneys.

4 2. Notwithstanding any other law to the contrary, no city  
5 of the fourth classification with more than eight hundred but  
6 less than nine hundred inhabitants and located in any county with  
7 a charter form of government and with more than one million  
8 inhabitants shall levy or collect a license fee on hotels or  
9 motels in an amount in excess of twenty-six dollars and fifty  
10 cents per room per year. No hotel or motel in such city shall be  
11 required to pay a license fee in excess of such amount, and any  
12 license fee in such city that exceeds the limitation of this  
13 subsection shall be automatically reduced to comply with this  
14 subsection.

15 3. Notwithstanding any other law to the contrary, no city  
16 of the fourth classification with more than four thousand one  
17 hundred but less than four thousand two hundred inhabitants and  
18 located in any county with a charter form of government and with  
19 more than one million inhabitants shall levy or collect a license  
20 fee on hotels or motels in an amount in excess of thirteen  
21 dollars per room per year. No hotel or motel in such city shall  
22 be required to pay a license fee in excess of such amount, and  
23 any license fee in such city that exceeds the limitation of this  
24 subsection shall be automatically reduced to comply with this

1     subsection.

2             100.710. As used in sections 100.700 to 100.850, the  
3 following terms mean:

4             (1) "Assessment", an amount of up to five percent of the  
5 gross wages paid in one year by an eligible industry to all  
6 eligible employees in new jobs, or up to ten percent if the  
7 economic development project is located within a distressed  
8 community as defined in section 135.530, RSMo;

9             (2) "Board", the Missouri development finance board as  
10 created by section 100.265;

11            (3) "Certificates", the revenue bonds or notes authorized  
12 to be issued by the board pursuant to section 100.840;

13            (4) "Credit", the amount agreed to between the board and an  
14 eligible industry, but not to exceed the assessment attributable  
15 to the eligible industry's project;

16            (5) "Department", the Missouri department of economic  
17 development;

18            (6) "Director", the director of the department of economic  
19 development;

20            (7) "Economic development project":

21            (a) The acquisition of any real property by the board, the  
22 eligible industry, or its affiliate; or

23            (b) The fee ownership of real property by the eligible  
24 industry or its affiliate; and

1           (c) For both paragraphs (a) and (b) of this subdivision,  
2 "economic development project" shall also include the development  
3 of the real property including construction, installation, or  
4 equipping of a project, including fixtures and equipment, and  
5 facilities necessary or desirable for improvement of the real  
6 property, including surveys; site tests and inspections;  
7 subsurface site work; excavation; removal of structures,  
8 roadways, cemeteries and other surface obstructions; filling,  
9 grading and provision of drainage, storm water retention,  
10 installation of utilities such as water, sewer, sewage treatment,  
11 gas, electricity, communications and similar facilities; off-site  
12 construction of utility extensions to the boundaries of the real  
13 property; and the acquisition, installation, or equipping of  
14 facilities on the real property, for use and occupancy by the  
15 eligible industry or its affiliates;

16           (8) "Eligible employee", a person employed on a full-time  
17 basis in a new job at the economic development project averaging  
18 at least thirty-five hours per week who was not employed by the  
19 eligible industry or a related taxpayer in this state at any time  
20 during the twelve-month period immediately prior to being  
21 employed at the economic development project. For an essential  
22 industry, a person employed on a full-time basis in an existing  
23 job at the economic development project averaging at least  
24 thirty- five hours per week may be considered an eligible

1 employee for the purposes of the program authorized by sections  
2 100.700 to 100.850;

3 (9) "Eligible industry", a business located within the  
4 state of Missouri which is engaged in interstate or intrastate  
5 commerce for the purpose of manufacturing, processing or  
6 assembling products, conducting research and development, or  
7 providing services in interstate commerce, office industries, or  
8 agricultural processing, but excluding retail, health or  
9 professional services. "Eligible industry" does not include a  
10 business which closes or substantially reduces its operation at  
11 one location in the state and relocates substantially the same  
12 operation to another location in the state. This does not  
13 prohibit a business from expanding its operations at another  
14 location in the state provided that existing operations of a  
15 similar nature located within the state are not closed or  
16 substantially reduced. This also does not prohibit a business  
17 from moving its operations from one location in the state to  
18 another location in the state for the purpose of expanding such  
19 operation provided that the board determines that such expansion  
20 cannot reasonably be accommodated within the municipality in  
21 which such business is located, or in the case of a business  
22 located in an incorporated area of the county, within the county  
23 in which such business is located, after conferring with the  
24 chief elected official of such municipality or county and taking

1 into consideration any evidence offered by such municipality or  
2 county regarding the ability to accommodate such expansion within  
3 such municipality or county. An eligible industry must:

4 (a) Invest a minimum of fifteen million dollars, or ten  
5 million dollars for an office industry, in an economic  
6 development project; and

7 (b) Create a minimum of one hundred new jobs for eligible  
8 employees at the economic development project or a minimum of  
9 five hundred jobs if the economic development project is an  
10 office industry or a minimum of two hundred new jobs if the  
11 economic development project is an office industry located within  
12 a distressed community as defined in section 135.530, RSMo, or in  
13 the case of an approved company for a project for a world  
14 headquarters of a business whose primary function is tax return  
15 preparation in any home rule city with more than four hundred  
16 thousand inhabitants and located in more than one county, create  
17 a minimum of one hundred new jobs for eligible employees at the  
18 economic development project. An industry that meets the  
19 definition of "essential industry" may be considered an eligible  
20 industry for the purposes of the program authorized by sections  
21 100.700 to 100.850;

22 (10) "Essential industry", a business that otherwise meets  
23 the definition of eligible industry except an essential industry  
24 shall:



1           (a) Be a targeted industry;

2           (b) Be located in a home rule city with more than  
3 twenty-six thousand but less than twenty-seven thousand  
4 inhabitants located in any county with a charter form of  
5 government and with more than one million inhabitants;

6           (c) Have maintained at least two thousand jobs at the  
7 proposed economic development project site each year for a period  
8 of four years preceding the year in which application for the  
9 program authorized by sections 100.700 to 100.850 is made and  
10 during the year in which said application is made;

11           (d) For the duration of the certificates, retain at the  
12 proposed economic development project site the level of  
13 employment that existed at the site in the taxable year  
14 immediately preceding the year in which application for the  
15 program authorized by sections 100.700 to 100.850 is made; and

16           (e) Invest a minimum of five hundred million dollars in the  
17 economic development project by the end of the third year after  
18 the issuance of the certificates under this program;

19           (11) "New job", a job in a new or expanding eligible  
20 industry not including jobs of recalled workers, replacement jobs  
21 or jobs that formerly existed in the eligible industry in the  
22 state. For an essential industry, an existing job may be  
23 considered a new job for the purposes of the program authorized  
24 by sections 100.700 to 100.850;

1           (12) "Office industry", a regional, national or  
2 international headquarters, a telecommunications operation, a  
3 computer operation, an insurance company, or a credit card  
4 billing and processing center;

5           (13) "Program costs", all necessary and incidental costs of  
6 providing program services including payment of the principal of  
7 premium, if any, and interest on certificates, including  
8 capitalized interest, issued to finance a project, and funding  
9 and maintenance of a debt service reserve fund to secure such  
10 certificates. Program costs shall include:

11           (a) Obligations incurred for labor and obligations incurred  
12 to contractors, subcontractors, builders and materialmen in  
13 connection with the acquisition, construction, installation or  
14 equipping of an economic development project;

15           (b) The cost of acquiring land or rights in land and any  
16 cost incidental thereto, including recording fees;

17           (c) The cost of contract bonds and of insurance of all  
18 kinds that may be required or necessary during the course of  
19 acquisition, construction, installation or equipping of an  
20 economic development project which is not paid by the contractor  
21 or contractors or otherwise provided for;

22           (d) All costs of architectural and engineering services,  
23 including test borings, surveys, estimates, plans and  
24 specifications, preliminary investigations and supervision of

1 construction, as well as the costs for the performance of all the  
2 duties required by or consequent upon the acquisition,  
3 construction, installation or equipping of an economic  
4 development project;

5 (e) All costs which are required to be paid under the terms  
6 of any contract or contracts for the acquisition, construction,  
7 installation or equipping of an economic development project; and

8 (f) All other costs of a nature comparable to those  
9 described in this subdivision;

10 (14) "Program services", administrative expenses of the  
11 board, including contracted professional services, and the cost  
12 of issuance of certificates;

13 (15) "Targeted industry", an industry or one of a cluster  
14 of industries that is identified by the department as critical to  
15 the state's economic security and growth and affirmed as such by  
16 the joint committee on economic development policy and planning  
17 established in section 620.602, RSMo.

18 100.850. 1. The approved company shall remit to the board  
19 a job development assessment fee, not to exceed five percent of  
20 the gross wages of each eligible employee whose job was created  
21 as a result of the economic development project, or not to exceed  
22 ten percent if the economic development project is located  
23 within a distressed community as defined in section 135.530,  
24 RSMo, for the purpose of retiring bonds which fund the economic

1 development project.

2 2. Any approved company remitting an assessment as provided  
3 in subsection 1 of this section shall make its payroll books and  
4 records available to the board at such reasonable times as the  
5 board shall request and shall file with the board documentation  
6 respecting the assessment as the board may require.

7 3. Any assessment remitted pursuant to subsection 1 of this  
8 section shall cease on the date the bonds are retired.

9 4. Any approved company which has paid an assessment for  
10 debt reduction shall be allowed a tax credit equal to the amount  
11 of the assessment. The tax credit may be claimed against taxes  
12 otherwise imposed by chapters 143 and 148, RSMo, except  
13 withholding taxes imposed under the provisions of sections  
14 143.191 to 143.265, RSMo, which were incurred during the tax  
15 period in which the assessment was made.

16 5. In no event shall the aggregate amount of tax credits  
17 authorized by subsection 4 of this section exceed eleven million  
18 nine hundred fifty thousand dollars annually. Of such amount,  
19 nine hundred fifty thousand dollars shall be reserved for an  
20 approved project for a world headquarters of a business whose  
21 primary function is tax return preparation that is located in any  
22 home rule city with more than four hundred thousand inhabitants  
23 and located in more than one county.

24 6. The director of revenue shall issue a refund to the

1 approved company to the extent that the amount of credits allowed  
2 in subsection 4 of this section exceeds the amount of the  
3 approved company's income tax.

4 [100.850. 1. The approved company  
5 shall remit to the board a job development  
6 assessment fee, not to exceed five percent of  
7 the gross wages of each eligible employee  
8 whose job was created as a result of the  
9 economic development project, or not to  
10 exceed ten percent if the economic  
11 development project is located within a  
12 distressed community as defined in section  
13 135.530, RSMo, for the purpose of retiring  
14 bonds which fund the economic development  
15 project.

16 2. Any approved company remitting an  
17 assessment as provided in subsection 1 of  
18 this section shall make its payroll books and  
19 records available to the board at such  
20 reasonable times as the board shall request  
21 and shall file with the board documentation  
22 respecting the assessment as the board may  
23 require.

24 3. Any assessment remitted pursuant to  
25 subsection 1 of this section shall cease on  
26 the date the bonds are retired.

27 4. Any approved company which has paid  
28 an assessment for debt reduction shall be  
29 allowed a tax credit equal to the amount of  
30 the assessment. The tax credit may be  
31 claimed against taxes otherwise imposed by  
32 chapters 143 and 148, RSMo, except  
33 withholding taxes imposed under the  
34 provisions of sections 143.191 to 143.265,  
35 RSMo, which were incurred during the tax  
36 period in which the assessment was made.

37 5. In no event shall the aggregate  
38 amount of tax credits authorized by  
39 subsection 4 of this section exceed eleven  
40 million dollars annually.

41 6. The director of revenue shall issue  
42 a refund to the approved company to the  
43 extent that the amount of credits allowed in  
44 subsection 4 of this section exceeds the  
45 amount of the approved company's income tax.]

1           135.481. 1. (1) Any taxpayer who incurs eligible costs  
2 for a new residence located in a distressed community or within a  
3 census block group as described in subdivision (10) of section  
4 135.478, or for a multiple unit condominium described in  
5 subdivision (2) of this subsection, shall receive a tax credit  
6 equal to fifteen percent of such costs against his or her tax  
7 liability. The tax credit shall not exceed forty thousand  
8 dollars per new residence in any ten-year period.

9           (2) For the purposes of this section, a "multiple unit  
10 condominium" is one that is intended to be owner occupied, which  
11 is constructed on property subject to an industrial development  
12 contract as defined in section 100.310, RSMo, and which lies  
13 within an area with a city zoning classification of urban  
14 redevelopment district established after January 1, 2000, and  
15 before December 31, 2001, and which is constructed in connection  
16 with the qualified rehabilitation of a structure more than ninety  
17 years old eligible for the historic structures rehabilitation tax  
18 credit described in sections 253.545 to 253.559, RSMo, and is  
19 under way by January 1, 2000, and completed by January 1, 2002.

20           2. Any taxpayer who incurs eligible costs for a new  
21 residence located within a census block as described in  
22 subdivision (6) of section 135.478 shall receive a tax credit  
23 equal to fifteen percent of such costs against his or her tax  
24 liability. The tax credit shall not exceed twenty-five thousand

1       dollars per new residence in any ten-year period.

2               3. Any taxpayer who is not performing substantial  
3       rehabilitation and who incurs eligible costs for rehabilitation  
4       of an eligible residence or a qualifying residence shall receive  
5       a tax credit equal to twenty-five percent of such costs against  
6       his or her tax liability. The minimum eligible costs for  
7       rehabilitation of an eligible residence shall be ten thousand  
8       dollars. The minimum eligible costs for rehabilitation of a  
9       qualifying residence shall be five thousand dollars. The tax  
10      credit shall not exceed twenty-five thousand dollars in any  
11      ten-year period. Any taxpayer who has obtained approvals of  
12      multiple phase projects before December 31, 2004, and who incurs  
13      eligible costs for a new residence in an area described in  
14      subsection 2 of this section which is constructed on property  
15      subject to the industrial development provisions of section  
16      100.300 to 100.600, RSMo, and which lies within an area with a  
17      city zoning classification of urban development district, may  
18      reallocate the tax credits within the phases in an amount not to  
19      exceed thirty-five percent of such costs up to seventy thousand  
20      dollars per residence in any ten-year period.

21              4. Any taxpayer who incurs eligible costs for substantial  
22      rehabilitation of a qualifying residence shall receive a tax  
23      credit equal to thirty-five percent of such costs against his or  
24      her tax liability. The minimum eligible costs for substantial

1 rehabilitation of a qualifying residence shall be ten thousand  
2 dollars. The tax credit shall not exceed seventy thousand  
3 dollars in any ten-year period.

4 5. A taxpayer shall be eligible to receive tax credits for  
5 new construction or rehabilitation pursuant to only one  
6 subsection of this section.

7 6. No tax credit shall be issued pursuant to this section  
8 for any structure which is in violation of any municipal or  
9 county property, maintenance or zoning code.

10 7. No tax credit shall be issued pursuant to sections  
11 135.475 to 135.487 for the construction or rehabilitation of  
12 rental property.

13 135.751. 1. As used in this section, the following terms  
14 mean:

15 (1) "Accredited film or video production certificate", a  
16 certificate issued by the department of economic development  
17 certifying that the film or video production is an accredited  
18 production;

19 (2) "Accredited production", a film or video production  
20 produced in this state and accredited by the department of  
21 economic development as determined by rule or regulation;

22 (3) "Expenditure", any amount spent within this state on  
23 the following items by a production corporation for an accredited  
24 production, to the extent that the expenditures are reasonable



1 under the circumstances:

2 (a) The salary or wages directly attributable to the  
3 production that are incurred by the production corporation  
4 relating to services rendered in this state by residents of this  
5 state for the stages of production of the accredited production,  
6 from the final script stage to the end of the post-production  
7 stage, and paid by the corporation in the taxable year for which  
8 the credit is being claimed to employees of the corporation who  
9 were residents of this state at the time the payments were made;

10 (b) That portion of the remuneration, other than salary or  
11 wages, directly attributable to the accredited production,  
12 relating to services personally rendered in this state by  
13 residents of this state to the production corporation for the  
14 stages of production of the accredited production, from the final  
15 script stage to the end of the post-production stage, and that is  
16 paid by the production corporation to a person or a partnership  
17 that:

18 a. Carries on a business in this state through a permanent  
19 establishment;

20 b. Resides in this state at the time the amount is paid and  
21 who is not an employee of the production corporation, to the  
22 extent that the amount paid is attributable to and does not  
23 exceed the salary or wages paid by the individual to the  
24 individual's employees at a time when they were residents of this

1 state for personally rendering services in this state for the  
2 accredited production;

3 c. Is another corporation that is a taxable Missouri  
4 corporation, to the extent that the amount paid is attributable  
5 to and does not exceed the salary or wages paid to the other  
6 corporation's employees at a time when they were residents of  
7 this state for personally rendering services in this state for  
8 the accredited production;

9 d. Is another corporation that is a taxable Missouri  
10 corporation, all the issued and outstanding shares of the capital  
11 stock of which, except directors' qualifying shares, belong to an  
12 individual who was a resident of this state and the activities of  
13 which consist principally of the provision of the individual's  
14 services, to the extent that the amount paid is attributable to  
15 services rendered personally in this state by the individual for  
16 the accredited production; or

17 e. Is a partnership, to the extent that the amount paid:

18 (i) Is attributable to services personally rendered for the  
19 accredited production by an individual who is a resident in this  
20 state and who is a member of the partnership; or

21 (ii) Is attributable to and does not exceed the salary or  
22 wages paid by the partnership to its employees at a time when  
23 they were residents of this state for personally rendering  
24 services in this state for the accredited production.

1 "Expenditure" does not apply to an amount that is not a  
2 production cost, including amounts relating to advertising,  
3 marketing, promotion, market research, or an amount related in  
4 any way to another film or video production or accredited  
5 production;

6 (4) "Production corporation", any corporation that provides  
7 film or video production or film or video production services and  
8 that:

9 (a) Owns the copyright in the accredited production  
10 throughout the period during which the accredited production is  
11 produced in this state; or

12 (b) Has contracted directly with the owner of the copyright  
13 in the accredited production to provide production services  
14 related to the accredited production, where the owner of the  
15 copyright is not an eligible production corporation with respect  
16 to the accredited production.

17 For purposes of this subdivision, "production corporation" does  
18 not include a corporation that is:

19 (a) Exempt, in whole or in part, from federal or Missouri  
20 income tax; or

21 (b) Controlled directly or indirectly in any manner  
22 whatever by one or more persons all or part of whose taxable  
23 income is exempt from federal or Missouri income tax;

1       (5) "Rental costs", the amounts paid for renting film  
2       production equipment and vehicles located in this state and owned  
3       by any person or entity residing in this state for the production  
4       of an accredited production.

5       2. For purposes of this section:

6       (1) "Remuneration" does not include remuneration determined  
7       by reference to profits or revenues;

8       (2) "Salary or wages" does not include any agreement to  
9       issue securities to any employee or employee stock options or an  
10      amount determined by reference to profits or revenues;

11      (3) Services that relate to the post-production stage of  
12      the accredited production include only the services that are  
13      rendered at that stage by a resident of this state who performs  
14      the duties of animation cameraman, assistant colorist, assistant  
15      mixer, assistant sound-effects technician, boom operator,  
16      colorist, computer graphics designer, cutter, developing  
17      technician, director of post production, dubbing technician,  
18      encoding technician, inspection technician, clean up, mixer,  
19      optical effects technician, picture editor, printing technician,  
20      projectionist, recording technician, senior editor, sound editor,  
21      sound-effects technician, special effects editor, subtitle  
22      technician, timer, video-film recorder operator, videotape  
23      operator, or by a person who performs a prescribed post-  
24      production duty.

1       3. For all tax years beginning on or after January 1, 2004,  
2       any production corporation engaging in an accredited production  
3       may receive a credit against the tax otherwise due under chapter  
4       143, RSMo, excluding withholding tax imposed by sections 143.191  
5       to 143.265, RSMo, on the income derived from the accredited  
6       production. The amount of the credit authorized under this  
7       section shall be an amount equal to sixteen percent of the total  
8       amount of the expenditures made during the tax year in which the  
9       accredited production is produced and eight percent of the total  
10       amount spent on rental costs incurred for the production of an  
11       accredited production during the tax years in which the  
12       accredited production is produced. The credit allowed in this  
13       section shall be claimed as authorized in subsection 4 of this  
14       section, and shall not be claimed for the tax years in which the  
15       expenditures are made and the rental costs incurred.

16       4. The amount of the tax credit claimed under this section  
17       shall not exceed the amount of the taxpayer's state tax liability  
18       for the taxable year for which the credit is claimed. The credit  
19       shall be claimed by the taxpayer in any tax year after the tax  
20       years in which the accredited production was produced and in  
21       which expenditures are made or rental costs are incurred for the  
22       subsequent accredited production in this state by the production  
23       corporation, provided, that the subsequent accredited production  
24       shall commence within ten years of the initial accredited

1 production for which the expenditures were made and the rental  
2 costs incurred. Any tax credit allowed under this section that  
3 cannot be fully claimed in any taxable year the subsequent  
4 accredited production is produced may be carried over to the  
5 taxable years for which the production corporation claims a tax  
6 credit under this section for other subsequent accredited  
7 productions until the full credit has been claimed. No taxpayer  
8 claiming a tax credit for expenditures or rental costs under this  
9 section shall be eligible to claim the tax credit allowed in  
10 section 135.750 for the same expenditures or rental costs, and no  
11 person claiming a tax credit for any expenditures or rental costs  
12 under section 135.750 shall be eligible to claim the tax credit  
13 under this section for the same expenditures or rental costs.

14 5. Any taxpayer claiming a credit under this section shall  
15 file the following as part of such taxpayer's tax return:

16 (1) A form prescribed by the department of economic  
17 development containing prescribed information relating to the  
18 accredited production;

19 (2) An accredited film or video production certificate  
20 relating to the accredited production;

21 (3) A statement that the principal filming or taping of the  
22 accredited production began before the end of the year; and

23 (4) Any documentation the department of economic  
24 development deems necessary to confirm the taxpayer's eligibility

1 for the credit.

2 6. An accredited film or video production certificate may  
3 be revoked by the department of economic development if:

4 (1) An omission or incorrect statement was made in the  
5 application for a certificate for the purpose of obtaining the  
6 certificate; or

7 (2) The production is not an accredited production.

8 No person or entity that has had an accredited film or video  
9 production certificate revoked may claim any tax credit under  
10 this section.

11 7. The director of the department of economic development  
12 and the director of the department of revenue may promulgate  
13 rules and regulations to administer and enforce this section.

14 Any rule or portion of a rule, as that term is defined in section  
15 536.010, RSMo, that is created under the authority delegated in  
16 this section shall become effective only if it complies with and  
17 is subject to all of the provisions of chapter 536, RSMo, and, if  
18 applicable, section 536.028, RSMo. This section and chapter 536,  
19 RSMo, are nonseverable and if any of the powers vested with the  
20 general assembly pursuant to chapter 536, RSMo, to review, to  
21 delay the effective date, or to disapprove and annul a rule are  
22 subsequently held unconstitutional, then the grant of rulemaking  
23 authority and any rule proposed or adopted after August 28, 2004,

1 shall be invalid and void.

2 8. Pursuant to section 23.253, RSMo, of the Missouri Sunset  
3 Act:

4 (1) The provisions of the new program authorized under this  
5 section shall automatically sunset six years after the effective  
6 date of this section unless reauthorized by an act of the general  
7 assembly; and

8 (2) If such program is reauthorized, the program authorized  
9 under this section shall automatically sunset twelve years after  
10 the effective date of the reauthorization of this section; and

11 (3) This section shall terminate on September first of the  
12 calendar year immediately following the calendar year in which  
13 the program authorized under this section is sunset.

14 137.078. 1. For purposes of this section, the following  
15 terms shall mean:

16 (1) "Analog equipment", all depreciable items of tangible  
17 personal property that are used directly or indirectly in  
18 broadcasting television shows and commercials through the use of  
19 analog technology;

20 (2) "Applicable analog fraction", a fraction, the numerator  
21 of which is the total number of analog television sets in the  
22 United States for the immediately preceding calendar year and the  
23 denominator of which is an amount representing the total combined  
24 number of analog and digital television sets in the United States



for the immediately preceding calendar year. The applicable analog fraction will be determined on an annual basis by the Missouri Broadcasters Association;

(3) "Applicable digital fraction", a fraction, the numerator of which is the total number of digital television sets in the United States for the immediately preceding calendar year and the denominator of which is an amount representing the total combined number of analog and digital television sets in the United States for the immediately preceding calendar year. The applicable digital fraction will be determined on an annual basis by the Missouri Broadcasters Association;

(4) "Applicable analog percentage", the following percentages for the following years:

	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
<u>Year of Acquisition</u>	<u>Tax Year</u>	<u>Tax Year</u>	<u>Tax Year</u>	<u>Tax Year</u>
				<u>1%</u>
<u>2006</u>				<u>1%</u>
<u>2005</u>			<u>25%</u>	<u>1%</u>
<u>2004</u>		<u>50%</u>	<u>25%</u>	<u>1%</u>
<u>2003</u>	<u>75%</u>	<u>50%</u>	<u>25%</u>	<u>1%</u>
<u>2002</u>	<u>75%</u>	<u>50%</u>	<u>25%</u>	<u>1%</u>
<u>2001</u>	<u>75%</u>	<u>50%</u>	<u>25%</u>	<u>1%</u>
<u>2000</u>	<u>75%</u>	<u>50%</u>	<u>25%</u>	<u>1%</u>
<u>1999</u>	<u>75%</u>	<u>50%</u>	<u>25%</u>	<u>1%</u>

1998                      75%              50%              25%              1%

Prior                      75%              50%              25%              1%

(5) "Digital equipment", all depreciable items of tangible personal property that are used directly or indirectly in broadcasting television shows and commercials through the use of digital technology;

(6) "Television broadcasters", all businesses that own, lease, or operate television broadcasting stations that transmit television shows and commercials and that are required to be licensed by the Federal Communications Commission to provide such services;

(7) "Television broadcasting equipment", both analog equipment and digital equipment.

2. For purposes of assessing all items of television broadcasting equipment that are owned and used by television broadcasters for purposes of broadcasting television shows and commercials:

(1) The true value in money of all analog equipment shall be determined by depreciating the historical cost of such property using the depreciation tables provided in subdivision (1) of subsection 3 of this section and multiplying the results by the applicable analog percentage. The result of the second computation is multiplied by the applicable analog fraction to determine the true value in money of the analog equipment; and

(2) The true value in money of all digital equipment shall be determined by depreciating the historical cost of such property using the depreciation tables provided in subdivision (2) of subsection 3 of this section and multiplying the results by the applicable digital fraction to determine the true value in money of the digital equipment.

3. For purposes of subsection 2 of this section, the depreciation tables for determining the fair value in money of television broadcasting equipment are as follows:

(1) For analog equipment, the following depreciation tables will apply for the following years:

	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
<u>Year of Acquisition</u>	<u>Tax Year</u>	<u>Tax Year</u>	<u>Tax Year</u>	<u>Tax Year</u>
<u>2006</u>				<u>65%</u>
<u>2005</u>			<u>65%</u>	<u>45%</u>
<u>2004</u>		<u>65%</u>	<u>45%</u>	<u>30%</u>
<u>2003</u>	<u>65%</u>	<u>45%</u>	<u>30%</u>	<u>20%</u>
<u>2002</u>	<u>45%</u>	<u>30%</u>	<u>20%</u>	<u>10%</u>
<u>2001</u>	<u>30%</u>	<u>20%</u>	<u>10%</u>	<u>5%</u>
<u>2000</u>	<u>20%</u>	<u>10%</u>	<u>5%</u>	<u>5%</u>
<u>1999</u>	<u>10%</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>
<u>1998</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>
<u>Prior</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>

(2) For digital equipment, the following depreciation

tables will apply for the following years:

	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
<u>Year of Acquisition</u>	<u>Tax Year</u>	<u>Tax Year</u>	<u>Tax Year</u>	<u>Tax Year</u>
<u>2006</u>				<u>65%</u>
<u>2005</u>			<u>65%</u>	<u>45%</u>
<u>2004</u>		<u>65%</u>	<u>45%</u>	<u>30%</u>
<u>2003</u>	<u>65%</u>	<u>45%</u>	<u>30%</u>	<u>20%</u>
<u>2002</u>	<u>45%</u>	<u>30%</u>	<u>20%</u>	<u>10%</u>
<u>2001</u>	<u>30%</u>	<u>20%</u>	<u>10%</u>	<u>5%</u>
<u>2000</u>	<u>20%</u>	<u>10%</u>	<u>5%</u>	<u>5%</u>
<u>1999</u>	<u>10%</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>
<u>1998</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>
<u>Prior</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>

137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies

1 organized in this state, including not-for-profit agribusiness  
2 associations;

3 (5) All property, real and personal, actually and regularly  
4 used exclusively for religious worship, for schools and colleges,  
5 or for purposes purely charitable and not held for private or  
6 corporate profit, except that the exemption herein granted does  
7 not include real property not actually used or occupied for the  
8 purpose of the organization but held or used as investment even  
9 though the income or rentals received therefrom is used wholly  
10 for religious, educational or charitable purposes;

11 (6) Household goods, furniture, wearing apparel and  
12 articles of personal use and adornment, as defined by the state  
13 tax commission, owned and used by a person in his home or  
14 dwelling place; [and]

15 (7) Motor vehicles leased for a period of at least one year  
16 to this state or to any city, county, or political subdivision;  
17 and

18 (8) Real or personal property leased or otherwise  
19 transferred by an interstate compact agency created pursuant to  
20 sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100,  
21 RSMo, to another for which or whom such property is not exempt  
22 when immediately after the lease or transfer, the interstate  
23 compact agency enters into a leaseback or other agreement that  
24 directly or indirectly gives such interstate compact agency a

1 right to use, control, and possess the property; provided,  
2 however, that in the event of a conveyance of such property, the  
3 interstate compact agency must retain an option to purchase the  
4 property at a future date or, within the limitations period for  
5 reverters, the property must revert back to the interstate  
6 compact agency. Property will no longer be exempt under this  
7 subdivision in the event of a conveyance as of the date, if any,  
8 when:

9 (a) The right of the interstate compact agency to use,  
10 control, and possess the property is terminated;

11 (b) The interstate compact agency no longer has an option  
12 to purchase or otherwise acquire the property; and

13 (c) There is no provisions for reverter of the property  
14 within the limitation period for reverters.

15 137.101. 1. The activities of nationally affiliated  
16 fraternal, benevolent, veteran, or service organizations which  
17 promote good citizenship, humanitarian activities, or improve the  
18 physical, mental, and moral condition of an indefinite number of  
19 people [are] or purposes purely charitable within the meaning of  
20 subsection 1 of section 6 of article X of the constitution and  
21 local assessing authorities may exempt such portion of the real  
22 and personal property of such organizations as the assessing  
23 authority may determine is utilized in purposes purely charitable  
24 from the assessment, levy, and collection of taxes.

1        2. If, at any time, an assessor finally determines, after  
2        any and all hearings or rightful appeals, that personal property,  
3        upon which an organization would otherwise owe taxes but for the  
4        provisions of subsection 1 of this section or subdivision (5) of  
5        section 137.100, is not used for purposes purely charitable, or  
6        for purposes described in subdivision (5) of section 137.100,  
7        then the assessor shall notify the department of revenue of such  
8        final determination within thirty days.

9        137.115. 1. All other laws to the contrary  
10       notwithstanding, the assessor or the assessor's deputies in all  
11       counties of this state including the city of St. Louis shall  
12       annually make a list of all real and tangible personal property  
13       taxable in the assessor's city, county, town or district. Except  
14       as otherwise provided in subsection 3 of this section and section  
15       137.078, the assessor shall annually assess all personal property  
16       at thirty-three and one-third percent of its true value in money  
17       as of January first of each calendar year. The assessor shall  
18       annually assess all real property, including any new construction  
19       and improvements to real property, and possessory interests in  
20       real property at the percent of its true value in money set in  
21       subsection 5 of this section. The assessor shall annually assess  
22       all real property in the following manner: new assessed values  
23       shall be determined as of January first of each odd-numbered year  
24       and shall be entered in the assessor's books; those same assessed

1 values shall apply in the following even-numbered year, except  
2 for new construction and property improvements which shall be  
3 valued as though they had been completed as of January first of  
4 the preceding odd-numbered year. The assessor may call at the  
5 office, place of doing business, or residence of each person  
6 required by this chapter to list property, and require the person  
7 to make a correct statement of all taxable tangible personal  
8 property owned by the person or under his or her care, charge or  
9 management, taxable in the county. On or before January first of  
10 each even-numbered year, the assessor shall prepare and submit a  
11 two-year assessment maintenance plan to the county governing body  
12 and the state tax commission for their respective approval or  
13 modification. The county governing body shall approve and  
14 forward such plan or its alternative to the plan to the state tax  
15 commission by February first. If the county governing body fails  
16 to forward the plan or its alternative to the plan to the state  
17 tax commission by February first, the assessor's plan shall be  
18 considered approved by the county governing body. If the state  
19 tax commission fails to approve a plan and if the state tax  
20 commission and the assessor and the governing body of the county  
21 involved are unable to resolve the differences, in order to  
22 receive state cost-share funds outlined in section 137.750, the  
23 county or the assessor shall petition the administrative hearing  
24 commission, by May first, to decide all matters in dispute



1 regarding the assessment maintenance plan. Upon agreement of the  
2 parties, the matter may be stayed while the parties proceed with  
3 mediation or arbitration upon terms agreed to by the parties.  
4 The final decision of the administrative hearing commission shall  
5 be subject to judicial review in the circuit court of the county  
6 involved. In the event a valuation of subclass (1) real property  
7 within any county with a charter form of government, or within a  
8 city not within a county, is made by a computer,  
9 computer-assisted method or a computer program, the burden of  
10 proof, supported by clear, convincing and cogent evidence to  
11 sustain such valuation, shall be on the assessor at any hearing  
12 or appeal. In any such county, unless the assessor proves  
13 otherwise, there shall be a presumption that the assessment was  
14 made by a computer, computer-assisted method or a computer  
15 program. Such evidence shall include, but shall not be limited  
16 to, the following:

17 (1) The findings of the assessor based on an appraisal of  
18 the property by generally accepted appraisal techniques; and

19 (2) The purchase prices from sales of at least three  
20 comparable properties and the address or location thereof. As  
21 used in this paragraph, the word "comparable" means that:

22 (a) Such sale was closed at a date relevant to the property  
23 valuation; and

24 (b) Such properties are not more than one mile from the

1 site of the disputed property, except where no similar properties  
2 exist within one mile of the disputed property, the nearest  
3 comparable property shall be used. Such property shall be within  
4 five hundred square feet in size of the disputed property, and  
5 resemble the disputed property in age, floor plan, number of  
6 rooms, and other relevant characteristics.

7 2. Assessors in each county of this state and the city of  
8 St. Louis may send personal property assessment forms through the  
9 mail.

10 3. The following items of personal property shall each  
11 constitute separate subclasses of tangible personal property and  
12 shall be assessed and valued for the purposes of taxation at the  
13 following percents of their true value in money:

14 (1) Grain and other agricultural crops in an unmanufactured  
15 condition, one-half of one percent;

16 (2) Livestock, twelve percent;

17 (3) Farm machinery, twelve percent;

18 (4) Motor vehicles which are eligible for registration as  
19 and are registered as historic motor vehicles pursuant to section  
20 301.131, RSMo, and aircraft which are at least twenty-five years  
21 old and which are used solely for noncommercial purposes and are  
22 operated less than fifty hours per year or aircraft that are home  
23 built from a kit, five percent;

24 (5) Poultry, twelve percent; and

1           (6) Tools and equipment used for pollution control and  
2 tools and equipment used in retooling for the purpose of  
3 introducing new product lines or used for making improvements to  
4 existing products by any company which is located in a state  
5 enterprise zone and which is identified by any standard  
6 industrial classification number cited in subdivision (6) of  
7 section 135.200, RSMo, twenty-five percent.

8           4. The person listing the property shall enter a true and  
9 correct statement of the property, in a printed blank prepared  
10 for that purpose. The statement, after being filled out, shall  
11 be signed and either affirmed or sworn to as provided in section  
12 137.155. The list shall then be delivered to the assessor.

13           5. All subclasses of real property, as such subclasses are  
14 established in section 4(b) of article X of the Missouri  
15 Constitution and defined in section 137.016, shall be assessed at  
16 the following percentages of true value:

- 17           (1) For real property in subclass (1), nineteen percent;  
18           (2) For real property in subclass (2), twelve percent; and  
19           (3) For real property in subclass (3), thirty-two percent.

20           6. Manufactured homes, as defined in section 700.010, RSMo,  
21 which are actually used as dwelling units shall be assessed at  
22 the same percentage of true value as residential real property  
23 for the purpose of taxation. The percentage of assessment of  
24 true value for such manufactured homes shall be the same as for

1 residential real property. If the county collector cannot  
2 identify or find the manufactured home when attempting to attach  
3 the manufactured home for payment of taxes owed by the  
4 manufactured home owner, the county collector may request the  
5 county commission to have the manufactured home removed from the  
6 tax books, and such request shall be granted within thirty days  
7 after the request is made; however, the removal from the tax  
8 books does not remove the tax lien on the manufactured home if it  
9 is later identified or found. A manufactured home located in a  
10 manufactured home rental park, rental community or on real estate  
11 not owned by the manufactured home owner shall be considered  
12 personal property. A manufactured home located on real estate  
13 owned by the manufactured home owner may be considered real  
14 property.

15 7. Each manufactured home assessed shall be considered a  
16 parcel for the purpose of reimbursement pursuant to section  
17 137.750, unless the manufactured home has been converted to real  
18 property in compliance with section 700.111, RSMo, and assessed  
19 as a realty improvement to the existing real estate parcel.

20 8. Any amount of tax due and owing based on the assessment  
21 of a manufactured home shall be included on the personal property  
22 tax statement of the manufactured home owner unless the  
23 manufactured home has been converted to real property in  
24 compliance with section 700.111, RSMo, in which case the amount

1 of tax due and owing on the assessment of the manufactured home  
2 as a realty improvement to the existing real estate parcel shall  
3 be included on the real property tax statement of the real estate  
4 owner.

5 9. The assessor of each county and each city not within a  
6 county shall use the trade-in value published in the October  
7 issue of the National Automobile Dealers' Association Official  
8 Used Car Guide, or its successor publication, as the recommended  
9 guide of information for determining the true value of motor  
10 vehicles described in such publication. In the absence of a  
11 listing for a particular motor vehicle in such publication, the  
12 assessor shall use such information or publications which in the  
13 assessor's judgment will fairly estimate the true value in money  
14 of the motor vehicle.

15 10. Before the assessor may increase the assessed valuation  
16 of any parcel of subclass (1) real property by more than fifteen  
17 percent since the last assessment, excluding increases due to new  
18 construction or improvements, the assessor shall conduct a  
19 physical inspection of such property.

20 11. If a physical inspection is required, pursuant to  
21 subsection 10 of this section, the assessor shall notify the  
22 property owner of that fact in writing and shall provide the  
23 owner clear written notice of the owner's rights relating to the  
24 physical inspection. If a physical inspection is required, the

1 property owner may request that an interior inspection be  
2 performed during the physical inspection. The owner shall have  
3 no less than thirty days to notify the assessor of a request for  
4 an interior physical inspection.

5 12. A physical inspection, as required by subsection 10 of  
6 this section, shall include, but not be limited to, an on-site  
7 personal observation and review of all exterior portions of the  
8 land and any buildings and improvements to which the inspector  
9 has or may reasonably and lawfully gain external access, and  
10 shall include an observation and review of the interior of any  
11 buildings or improvements on the property upon the timely request  
12 of the owner pursuant to subsection 11 of this section. Mere  
13 observation of the property via a "drive-by inspection" or the  
14 like shall not be considered sufficient to constitute a physical  
15 inspection as required by this section.

16 13. The provisions of subsections 11 and 12 of this section  
17 shall only apply in any county with a charter form of government  
18 with more than one million inhabitants.

19 14. A county or city collector may accept credit cards as  
20 proper form of payment of outstanding property tax due. No  
21 county or city collector may charge surcharge for payment by  
22 credit card which exceeds the fee or surcharge charged by the  
23 credit card bank for its service.

24 15. The provisions of this section and sections 137.073,

1 138.060 and 138.100, RSMo, shall become effective January 1,  
2 2003, for any taxing jurisdiction which has at least seventy-five  
3 percent of the land area of such jurisdiction within a county  
4 with a charter form of government with greater than one million  
5 inhabitants, and the provisions of this section and sections  
6 137.073, 138.060 and 138.100, RSMo, shall become effective  
7 January 1, 2005, for all taxing jurisdictions in this state. Any  
8 county in this state may, by an affirmative vote of the governing  
9 body of such county, opt into the provisions of this act prior to  
10 January 1, 2005.

11 137.298. 1. Other provisions of law to the contrary  
12 notwithstanding, any city may by ordinance include as a charge on  
13 bills issued for personal property taxes any outstanding parking  
14 violations issued on any vehicle for which personal property tax  
15 is to be paid and, if required by ordinance, such charge shall be  
16 collected with and in the same payment as personal property taxes  
17 are collected by the collector of revenue of such city. No  
18 personal property tax bill shall be considered paid unless all  
19 charges for parking violations are also paid in full and the  
20 collector of revenue shall not issue a paid personal property  
21 receipt until all such charges are paid.

22 2. Any city or city not within a county may enter into a  
23 contract or cooperative agreement with the county governing body  
24 and county collector of any county with a charter form of

1 government or any county of the first classification to include  
2 as a charge on bills issued for personal property taxes any  
3 outstanding vehicle-related fees and fines, including traffic  
4 violations, assessed or issued on any vehicle for which personal  
5 property tax is to be paid. For the purpose of this section,  
6 vehicle-related fees and fines shall include, but not be limited  
7 to, traffic violation fines, parking violation fines, towing and  
8 vehicle immobilization fees, and any late payment penalties and  
9 court costs associated with adjudication or collection of those  
10 fines. No personal property tax bill shall be considered paid  
11 unless all charges for parking violations and other vehicle-  
12 related fees and fines are also paid in full, and the county  
13 collector shall not issue a paid personal property tax receipt  
14 until all such charges are paid. Any contract or cooperative  
15 agreement shall be in writing, signed by the city, county  
16 governing body, and county collector, and shall set forth the  
17 provisions and terms agreed to by the parties.

18 137.505. If any person, corporation, partnership or  
19 association shall fail to file a return as required by sections  
20 137.485 to 137.550, the assessor shall ascertain the true amount  
21 and value of the taxable tangible personal property of such  
22 person, corporation, partnership or association on the best  
23 information available to him and shall assess said property at  
24 [twenty-five] ten percent above its value.



1           143.081. 1. A resident individual, resident estate, and  
2       resident trust shall be allowed a credit against the tax  
3       otherwise due pursuant to sections 143.005 to 143.998 for the  
4       amount of any income tax imposed for the taxable year by another  
5       state of the United States (or a political subdivision thereof)  
6       or the District of Columbia on income derived from sources  
7       therein and which is also subject to tax pursuant to sections  
8       143.005 to 143.998. [Solely] For purposes of this subsection,  
9       the phrase "income tax imposed" shall [include] be that amount of  
10      tax before any income tax credit allowed by such other state or  
11      the District of Columbia [the basis for which is a charitable  
12      contribution which qualifies as a charitable deduction from  
13      income pursuant to the Internal Revenue Code of 1986, as amended]  
14      if the other state or the District of Columbia authorizes a  
15      reciprocal benefit for residents of this state.

16           2. The credit provided pursuant to this section shall not  
17      exceed an amount which bears the same ratio to the tax otherwise  
18      due pursuant to sections 143.005 to 143.998 as the amount of the  
19      taxpayer's Missouri adjusted gross income derived from sources in  
20      the other taxing jurisdiction bears to the taxpayer's Missouri  
21      adjusted gross income derived from all sources. In applying the  
22      limitation of the previous sentence to an estate or trust,  
23      Missouri taxable income shall be substituted for Missouri  
24      adjusted gross income. If the tax of more than one other taxing

1 jurisdiction is imposed on the same item of income, the credit  
2 shall not exceed the limitation that would result if the taxes of  
3 all the other jurisdictions applicable to the item were deemed to  
4 be of a single jurisdiction.

5 3. For the purposes of this section, in the case of an S  
6 corporation, each resident S shareholder shall be considered to  
7 have paid a tax imposed on the shareholder in an amount equal to  
8 the shareholder's pro rata share of any net income tax paid by  
9 the S corporation to a state which does not measure the income of  
10 shareholders on an S corporation by reference to the income of  
11 the S corporation or where a composite return and composite  
12 payments are made in such state on behalf of the S shareholders  
13 by the S corporation.

14 4. For purposes of subsection 3 of this section, in the  
15 case of an S corporation that is a bank chartered by a state, the  
16 office of thrift supervision, or the comptroller of currency,  
17 each Missouri resident S shareholder of such out-of-state bank  
18 shall qualify for the shareholder's pro rata share of any net tax  
19 paid, including a bank franchise tax based on the income of the  
20 bank, by such S corporation where bank payment of taxes are made  
21 in such state on behalf of the S shareholders by the S bank to  
22 the extent of the tax paid.

23 143.121. 1. The Missouri adjusted gross income of a  
24 resident individual shall be the taxpayer's federal adjusted

1 gross income subject to the modifications in this section.

2 2. There shall be added to the taxpayer's federal adjusted  
3 gross income:

4 (a) The amount of any federal income tax refund received  
5 for a prior year which resulted in a Missouri income tax benefit;

6 (b) Interest on certain governmental obligations excluded  
7 from federal gross income by Section 103 of the Internal Revenue  
8 Code. The previous sentence shall not apply to interest on  
9 obligations of the state of Missouri or any of its political  
10 subdivisions or authorities and shall not apply to the interest  
11 described in subdivision (a) of subsection 3 of this section.  
12 The amount added pursuant to this paragraph shall be reduced by  
13 the amounts applicable to such interest that would have been  
14 deductible in computing the taxable income of the taxpayer except  
15 only for the application of Section 265 of the Internal Revenue  
16 Code. The reduction shall only be made if it is at least five  
17 hundred dollars;

18 (c) The amount of any deduction that is included in the  
19 computation of federal taxable income pursuant to Section 168 of  
20 the Internal Revenue Code as amended by the Job Creation and  
21 Worker Assistance Act of 2002 to the extent the amount deducted  
22 relates to property purchased on or after July 1, 2002, but  
23 before July 1, 2003, and to the extent the amount deducted  
24 exceeds the amount that would have been deductible pursuant to

1 Section 168 of the Internal Revenue Code of 1986 as in effect on  
2 January 1, 2002; and

3 (d) The amount of any deduction that is included in the  
4 computation of federal taxable income for net operating loss  
5 allowed by Section 172 of the Internal Revenue Code of 1986, as  
6 amended, other than the deduction allowed by Section 172(b)(1)(G)  
7 and Section 172(i) of the Internal Revenue Code of 1986, as  
8 amended, for a net operating loss the taxpayer claims in the tax  
9 year in which the net operating loss occurred or carries forward  
10 for a period of more than twenty years and carries backward for  
11 more than two years. Any amount of net operating loss taken  
12 against federal taxable income [taxes] but disallowed [against]  
13 for Missouri income [taxes] tax purposes pursuant to this  
14 paragraph [since July 1,] after June 18, 2002, may be carried  
15 forward and taken against any [loss] income on the Missouri  
16 income tax return for a period of not more than twenty years from  
17 the year of the initial loss.

18 3. There shall be subtracted from the taxpayer's federal  
19 adjusted gross income the following amounts to the extent  
20 included in federal adjusted gross income:

21 (a) Interest or dividends on obligations of the United  
22 States and its territories and possessions or of any authority,  
23 commission or instrumentality of the United States to the extent  
24 exempt from Missouri income taxes pursuant to the laws of the

1 United States. The amount subtracted pursuant to this paragraph  
2 shall be reduced by any interest on indebtedness incurred to  
3 carry the described obligations or securities and by any expenses  
4 incurred in the production of interest or dividend income  
5 described in this paragraph. The reduction in the previous  
6 sentence shall only apply to the extent that such expenses  
7 including amortizable bond premiums are deducted in determining  
8 the taxpayer's federal adjusted gross income or included in the  
9 taxpayer's Missouri itemized deduction. The reduction shall only  
10 be made if the expenses total at least five hundred dollars;

11 (b) The portion of any gain, from the sale or other  
12 disposition of property having a higher adjusted basis to the  
13 taxpayer for Missouri income tax purposes than for federal income  
14 tax purposes on December 31, 1972, that does not exceed such  
15 difference in basis. If a gain is considered a long-term capital  
16 gain for federal income tax purposes, the modification shall be  
17 limited to one-half of such portion of the gain;

18 (c) The amount necessary to prevent the taxation pursuant  
19 to this chapter of any annuity or other amount of income or gain  
20 which was properly included in income or gain and was taxed  
21 pursuant to the laws of Missouri for a taxable year prior to  
22 January 1, 1973, to the taxpayer, or to a decedent by reason of  
23 whose death the taxpayer acquired the right to receive the income  
24 or gain, or to a trust or estate from which the taxpayer received

1 the income or gain;

2 (d) Accumulation distributions received by a taxpayer as a  
3 beneficiary of a trust to the extent that the same are included  
4 in federal adjusted gross income;

5 (e) The amount of any state income tax refund for a prior  
6 year which was included in the federal adjusted gross income;

7 (f) The portion of capital gain specified in section  
8 135.357, RSMo, that would otherwise be included in federal  
9 adjusted gross income; [and]

10 (g) The amount that would have been deducted in the  
11 computation of federal taxable income pursuant to Section 168 of  
12 the Internal Revenue Code as in effect on January 1, 2002, to the  
13 extent that amount relates to property purchased on or after July  
14 1, 2002, but before July 1, 2003, and to the extent that amount  
15 exceeds the amount actually deducted pursuant to Section 168 of  
16 the Internal Revenue Code as amended by the Job Creation and  
17 Worker Assistance Act of 2002; and

18 (h) For all tax years ending on or after July 1, 2002, with  
19 respect to qualified property that is sold or otherwise disposed  
20 of during a taxable year by a taxpayer and for which an addition  
21 modification was made under paragraph (c) of subsection 2 of this  
22 section, the amount by which addition modification made under  
23 paragraph (c) of subsection 2 of this section on qualified  
24 property has not been recovered through the additional

1     subtractions provided in paragraph (g) of this subsection.

2             4. There shall be added to or subtracted from the  
3 taxpayer's federal adjusted gross income the taxpayer's share of  
4 the Missouri fiduciary adjustment provided in section 143.351.

5             5. There shall be added to or subtracted from the  
6 taxpayer's federal adjusted gross income the modifications  
7 provided in section 143.411.

8             143.431. 1. The Missouri taxable income of a corporation  
9 taxable under sections 143.011 to 143.996 shall be so much of its  
10 federal taxable income for the taxable year, with the  
11 modifications specified in subsections 2 [and 3] to 4 of this  
12 section, as is derived from sources within Missouri as provided  
13 in section 143.451. The tax of a corporation shall be computed  
14 on its Missouri taxable income at the rates provided in section  
15 143.071.

16             2. There shall be added to or subtracted from federal  
17 taxable income, the modifications to adjusted gross income  
18 provided in section 143.121 and the applicable modifications to  
19 itemized deductions provided in section 143.141. There shall be  
20 subtracted the federal income tax deduction provided in section  
21 143.171. There shall be subtracted, to the extent included in  
22 federal taxable income, corporate dividends from sources within  
23 Missouri.

24             3. (1) If an affiliated group of corporations files a

1 consolidated income tax return for the taxable year for federal  
2 income tax purposes and fifty percent or more of its income is  
3 derived from sources within this state as determined in  
4 accordance with section 143.451, then it may elect to file a  
5 Missouri consolidated income tax return. The federal  
6 consolidated taxable income of the electing affiliated group for  
7 the taxable year shall be its federal taxable income.

8 (2) So long as a federal consolidated income tax return is  
9 filed, an election made by an affiliated group of corporations to  
10 file a Missouri consolidated income tax return may be withdrawn  
11 or revoked only upon substantial change in the law or regulations  
12 adversely changing tax liability under this chapter; or, with  
13 permission of the director of revenue upon the showing of good  
14 cause for such action. After such a withdrawal or revocation  
15 with respect to an affiliated group, it may not file a Missouri  
16 consolidated income tax return for five years thereafter, except  
17 with the approval of the director of revenue, and subject to such  
18 terms and conditions as he may prescribe.

19 (3) No corporation which is part of an affiliated group of  
20 corporations filing a Missouri consolidated income tax return  
21 shall be required to file a separate Missouri corporate income  
22 tax return for the taxable year.

23 (4) For each taxable year an affiliated group of  
24 corporations filing a federal consolidated income tax return does



1 not file a Missouri consolidated income tax return, for purposes  
2 of computing the Missouri income tax, the federal taxable income  
3 of each member of the affiliated group shall be determined as if  
4 a separate federal income tax return had been filed by each such  
5 member.

6 (5) The director of revenue may prescribe such regulations  
7 not inconsistent with the provisions of this chapter as he may  
8 deem necessary in order that the tax liability of any affiliated  
9 group of corporations making a Missouri consolidated income tax  
10 return, and of each corporation in the group, before, during, and  
11 after the period of affiliation, may be returned, determined,  
12 computed, assessed, collected, and adjusted, in such manner as  
13 clearly to reflect the Missouri taxable income derived from  
14 sources within this state and in order to prevent avoidance of  
15 such tax liability.

16 4. If a net operating loss deduction is allowed for the  
17 taxable year, there shall be added to federal taxable income the  
18 amount of the net operating loss modification for each loss year  
19 as to which a portion of the net operating loss deduction is  
20 attributable. As used in this subsection, the following terms  
21 mean:

22 (1) "Loss year", the taxable year in which there occurs a  
23 federal net operating loss that is carried back or carried  
24 forward in whole or in part to another taxable year;

1       (2) "Net operating loss deduction", a net operating loss  
2       deduction allowed for federal income tax purposes under Section  
3       172 of the Internal Revenue Code of 1986, as amended or a net  
4       operating loss deduction allowed for Missouri income tax purposes  
5       under paragraph (d) of subsection 2 of section 143.121, but not  
6       including any net operating loss deduction that is allowed for  
7       federal income tax purposes but disallowed for Missouri income  
8       tax purposes under paragraph (d) of subsection 2 of section  
9       143.121;

10       (3) "Net addition modification", for any taxable year, the  
11       amount by which the sum of all required additions to federal  
12       taxable income provided in this chapter, except for the net  
13       operating loss modification, exceeds the combined sum of the  
14       amount of all required subtractions from federal taxable income  
15       provided in this chapter;

16       (4) "Net operating loss modification", an amount equal to  
17       the lesser of the amount of the net operating loss deduction  
18       attributable to that loss year or the amount by which the total  
19       net operating loss in the loss year is less than the sum of:

20       (a) The net addition modification for that loss year; and  
21       (b) The cumulative net operating loss deductions  
22       attributable to that loss year allowed for the taxable year and  
23       all prior taxable years.

24       5. For all tax years ending on or after July 1, 2002,

1 federal taxable income may be a positive or negative amount.  
2 Subsection 4 of this section shall be effective for all tax years  
3 with a net operating loss deduction attributable to a loss year  
4 ending on or after July 1, 2002, and the net operating loss  
5 modification shall only apply to loss years ending on or after  
6 July 1, 2002.

7 143.782. As used in sections 143.782 to 143.788, unless the  
8 context clearly requires otherwise, the following terms shall  
9 mean and include:

10 (1) "Court", the supreme court, court of appeals, or any  
11 circuit court of the state;

12 (2) "Debt", any sum due and legally owed to any state  
13 agency which has accrued through contract, subrogation, tort, or  
14 operation of law regardless of whether there is an outstanding  
15 judgment for that sum, court costs as defined in section 488.010,  
16 RSMo, fines and fees owed, or any support obligation which is  
17 being enforced by the division of family services on behalf of a  
18 person who is receiving support enforcement services pursuant to  
19 section 454.425, RSMo;

20 (3) "Debtor", any individual, sole proprietorship,  
21 partnership, corporation or other legal entity owing a debt;

22 (4) "Department", the department of revenue of the state of  
23 Missouri;

24 (5) "Refund", the Missouri income tax refund which the

1 department determines to be due any taxpayer pursuant to the  
2 provisions of this chapter. The amount of a refund shall not  
3 include any senior citizens property tax credit provided by  
4 sections 135.010 to 135.035, RSMo, unless such refund is being  
5 offset for a delinquency or debt relating to individual income  
6 tax or a property tax credit; and

7 (6) "State agency", any department, division, board,  
8 commission, office, or other agency of the state of Missouri,  
9 including public community college district.

10 144.025. 1. Notwithstanding any other provisions of law to  
11 the contrary, in any retail sale other than retail sales governed  
12 by subsections 4 and 5 of this section, where any article on  
13 which sales or use tax has been paid, credited, or otherwise  
14 satisfied or which was exempted or excluded from sales or use tax  
15 is taken in trade as a credit or part payment on the purchase  
16 price of the article being sold, the tax imposed by sections  
17 144.020 and 144.440 shall be computed only on that portion of the  
18 purchase price which exceeds the actual allowance made for the  
19 article traded in or exchanged, if there is a bill of sale or  
20 other record showing the actual allowance made for the article  
21 traded in or exchanged. [Where the article being traded in for  
22 credit or part payment is a motor vehicle, trailer, boat, or  
23 outboard motor the person trading in the article must be the

owner or holder of a properly assigned certificate of ownership.]

Where the purchaser of a motor vehicle, trailer, boat or outboard motor receives a rebate from the seller or manufacturer, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the amount of the rebate, if there is a bill of sale or other record showing the actual rebate given by the seller or manufacturer. Where the trade-in or exchange allowance plus any applicable rebate exceeds the purchase price of the purchased article there shall be no sales or use tax owed. This section shall also apply to motor vehicles, trailers, boats, and outboard motors sold by the owner or holder of the properly assigned certificate of ownership if the seller purchases or contracts to purchase a subsequent motor vehicle, trailer, boat, or outboard motor within one hundred eighty days before or after the date of the sale of the original article and a notarized bill of sale showing the paid sale price is presented to the department of revenue at the time of licensing. A copy of the bill of sale shall be left with the licensing office. Where the subsequent motor vehicle, trailer, boat, or outboard motor is titled more than one hundred eighty days after the sale of the original motor vehicle, trailer, boat, or outboard motor, the allowance pursuant to this section shall be made if the person titling such article establishes that the purchase or contract to purchase was finalized prior to the

1 expiration of the one hundred eighty-day period.

2 2. As used in this section, the term "boat" includes all  
3 motorboats and vessels, as the terms "motorboat" and "vessel" are  
4 defined in section 306.010, RSMo.

5 3. As used in this section, the term "motor vehicle"  
6 includes motor vehicles as defined in section 301.010, RSMo,  
7 recreational vehicles as defined in section 700.010, RSMo, or a  
8 combination of a truck as defined in section 301.010, RSMo, and a  
9 trailer as defined in section 301.010, RSMo.

10 4. The provisions of subsection 1 of this section shall not  
11 apply to retail sales of manufactured homes in which the  
12 purchaser receives a document known as the "Manufacturer's  
13 Statement of Origin" for purposes of obtaining a title to the  
14 manufactured home from the department of revenue of this state or  
15 from the appropriate agency or officer of any other state.

16 5. Any purchaser of a motor vehicle or trailer used for  
17 agricultural use by the purchaser shall be allowed to use as an  
18 allowance to offset the sales and use tax liability towards the  
19 purchase of the motor vehicle or trailer any grain or livestock  
20 produced or raised by the purchaser. The director of revenue may  
21 prescribe forms for compliance with this subsection.

22 144.030. 1. There is hereby specifically exempted from the  
23 provisions of sections 144.010 to 144.525 and from the  
24 computation of the tax levied, assessed or payable pursuant to

1 sections 144.010 to 144.525 such retail sales as may be made in  
2 commerce between this state and any other state of the United  
3 States, or between this state and any foreign country, and any  
4 retail sale which the state of Missouri is prohibited from taxing  
5 pursuant to the Constitution or laws of the United States of  
6 America, and such retail sales of tangible personal property  
7 which the general assembly of the state of Missouri is prohibited  
8 from taxing or further taxing by the constitution of this state.

9 2. There are also specifically exempted from the provisions  
10 of the local sales tax law as defined in section 32.085, RSMo,  
11 section 238.235, RSMo, and sections 144.010 to 144.525 and  
12 144.600 to 144.745 and from the computation of the tax levied,  
13 assessed or payable pursuant to the local sales tax law as  
14 defined in section 32.085, RSMo, section 238.235, RSMo, and  
15 sections 144.010 to 144.525 and 144.600 to 144.745:

16 (1) Motor fuel or special fuel subject to an excise tax of  
17 this state, unless all or part of such excise tax is refunded  
18 pursuant to section 142.584, RSMo; or upon the sale at retail of  
19 fuel to be consumed in manufacturing or creating gas, power,  
20 steam, electrical current or in furnishing water to be sold  
21 ultimately at retail; or feed for livestock or poultry; or grain  
22 to be converted into foodstuffs which are to be sold ultimately  
23 in processed form at retail; or seed, limestone or fertilizer  
24 which is to be used for seeding, liming or fertilizing crops

1        which when harvested will be sold at retail or will be fed to  
2        livestock or poultry to be sold ultimately in processed form at  
3        retail; economic poisons registered pursuant to the provisions of  
4        the Missouri pesticide registration law (sections 281.220 to  
5        281.310, RSMo) which are to be used in connection with the growth  
6        or production of crops, fruit trees or orchards applied before,  
7        during, or after planting, the crop of which when harvested will  
8        be sold at retail or will be converted into foodstuffs which are  
9        to be sold ultimately in processed form at retail;

10        (2) Materials, manufactured goods, machinery and parts  
11        which when used in manufacturing, processing, compounding,  
12        mining, producing or fabricating become a component part or  
13        ingredient of the new personal property resulting from such  
14        manufacturing, processing, compounding, mining, producing or  
15        fabricating and which new personal property is intended to be  
16        sold ultimately for final use or consumption; and materials,  
17        including without limitation, gases and manufactured goods,  
18        including without limitation, slagging materials and firebrick,  
19        which are ultimately consumed in the manufacturing process by  
20        blending, reacting or interacting with or by becoming, in whole  
21        or in part, component parts or ingredients of steel products  
22        intended to be sold ultimately for final use or consumption;

23        (3) Materials, replacement parts and equipment purchased  
24        for use directly upon, and for the repair and maintenance or



1 manufacture of, motor vehicles, watercraft, railroad rolling  
2 stock or aircraft engaged as common carriers of persons or  
3 property;

4 (4) Replacement machinery, equipment, and parts and the  
5 materials and supplies solely required for the installation or  
6 construction of such replacement machinery, equipment, and parts,  
7 used directly in manufacturing, mining, fabricating or producing  
8 a product which is intended to be sold ultimately for final use  
9 or consumption; and machinery and equipment, and the materials  
10 and supplies required solely for the operation, installation or  
11 construction of such machinery and equipment, purchased and used  
12 to establish new, or to replace or expand existing, material  
13 recovery processing plants in this state. For the purposes of  
14 this subdivision, a "material recovery processing plant" means a  
15 facility which converts recovered materials into a new product,  
16 or a different form which is used in producing a new product, and  
17 shall include a facility or equipment which is used exclusively  
18 for the collection of recovered materials for delivery to a  
19 material recovery processing plant but shall not include motor  
20 vehicles used on highways. For purposes of this section, the  
21 terms "motor vehicle" and "highway" shall have the same meaning  
22 pursuant to section 301.010, RSMo;

23 (5) Machinery and equipment, and parts and the materials  
24 and supplies solely required for the installation or construction

1 of such machinery and equipment, purchased and used to establish  
2 new or to expand existing manufacturing, mining or fabricating  
3 plants in the state if such machinery and equipment is used  
4 directly in manufacturing, mining or fabricating a product which  
5 is intended to be sold ultimately for final use or consumption;

6 (6) Tangible personal property which is used exclusively in  
7 the manufacturing, processing, modification or assembling of  
8 products sold to the United States government or to any agency of  
9 the United States government;

10 (7) Animals or poultry used for breeding or feeding  
11 purposes;

12 (8) Newsprint, ink, computers, photosensitive paper and  
13 film, toner, printing plates and other machinery, equipment,  
14 replacement parts and supplies used in producing newspapers  
15 published for dissemination of news to the general public;

16 (9) The rentals of films, records or any type of sound or  
17 picture transcriptions for public commercial display;

18 (10) Pumping machinery and equipment used to propel  
19 products delivered by pipelines engaged as common carriers;

20 (11) Railroad rolling stock for use in transporting persons  
21 or property in interstate commerce and motor vehicles licensed  
22 for a gross weight of twenty-four thousand pounds or more or  
23 trailers used by common carriers, as defined in section 390.020,  
24 RSMo, solely in the transportation of persons or property in

1 interstate commerce;

2 (12) Electrical energy used in the actual primary  
3 manufacture, processing, compounding, mining or producing of a  
4 product, or electrical energy used in the actual secondary  
5 processing or fabricating of the product, or a material recovery  
6 processing plant as defined in subdivision (4) of this  
7 subsection, in facilities owned or leased by the taxpayer, if the  
8 total cost of electrical energy so used exceeds ten percent of  
9 the total cost of production, either primary or secondary,  
10 exclusive of the cost of electrical energy so used or if the raw  
11 materials used in such processing contain at least twenty-five  
12 percent recovered materials as defined in section 260.200, RSMo.  
13 For purposes of this subdivision, "processing" means any mode of  
14 treatment, act or series of acts performed upon materials to  
15 transform and reduce them to a different state or thing,  
16 including treatment necessary to maintain or preserve such  
17 processing by the producer at the production facility;

18 (13) Anodes which are used or consumed in manufacturing,  
19 processing, compounding, mining, producing or fabricating and  
20 which have a useful life of less than one year;

21 (14) Machinery, equipment, appliances and devices purchased  
22 or leased and used solely for the purpose of preventing, abating  
23 or monitoring air pollution, and materials and supplies solely  
24 required for the installation, construction or reconstruction of

1 such machinery, equipment, appliances and devices, and so  
2 certified as such by the director of the department of natural  
3 resources, except that any action by the director pursuant to  
4 this subdivision may be appealed to the air conservation  
5 commission which may uphold or reverse such action;

6 (15) Machinery, equipment, appliances and devices purchased  
7 or leased and used solely for the purpose of preventing, abating  
8 or monitoring water pollution, and materials and supplies solely  
9 required for the installation, construction or reconstruction of  
10 such machinery, equipment, appliances and devices, and so  
11 certified as such by the director of the department of natural  
12 resources, except that any action by the director pursuant to  
13 this subdivision may be appealed to the Missouri clean water  
14 commission which may uphold or reverse such action;

15 (16) Tangible personal property purchased by a rural water  
16 district;

17 (17) All amounts paid or charged for admission or  
18 participation or other fees paid by or other charges to  
19 individuals in or for any place of amusement, entertainment or  
20 recreation, games or athletic events, including museums, fairs,  
21 zoos and planetariums, owned or operated by a municipality or  
22 other political subdivision where all the proceeds derived  
23 therefrom benefit the municipality or other political subdivision  
24 and do not inure to any private person, firm, or corporation;

1           (18) All sales of insulin and prosthetic or orthopedic  
2 devices as defined on January 1, 1980, by the federal Medicare  
3 program pursuant to Title XVIII of the Social Security Act of  
4 1965, including the items specified in Section 1862(a)(12) of  
5 that act, and also specifically including hearing aids and  
6 hearing aid supplies and all sales of drugs which may be legally  
7 dispensed by a licensed pharmacist only upon a lawful  
8 prescription of a practitioner licensed to administer those  
9 items, including samples and materials used to manufacture  
10 samples which may be dispensed by a practitioner authorized to  
11 dispense such samples and all sales of medical oxygen, home  
12 respiratory equipment and accessories, hospital beds and  
13 accessories and ambulatory aids, all sales of manual and powered  
14 wheelchairs, stairway lifts, Braille writers, electronic Braille  
15 equipment and, if purchased by or on behalf of a person with one  
16 or more physical or mental disabilities to enable them to  
17 function more independently, all sales of scooters, reading  
18 machines, electronic print enlargers and magnifiers, electronic  
19 alternative and augmentative communication devices, and items  
20 used solely to modify motor vehicles to permit the use of such  
21 motor vehicles by individuals with disabilities or sales of  
22 over-the-counter or nonprescription drugs to individuals with  
23 disabilities;

24           (19) All sales made by or to religious and charitable

1 organizations and institutions in their religious, charitable or  
2 educational functions and activities and all sales made by or to  
3 all elementary and secondary schools operated at public expense  
4 in their educational functions and activities;

5 (20) All sales of aircraft to common carriers for storage  
6 or for use in interstate commerce and all sales made by or to  
7 not-for-profit civic, social, service or fraternal organizations,  
8 including fraternal organizations which have been declared tax-  
9 exempt organizations pursuant to Section 501(c)(8) or (10) of the  
10 1986 Internal Revenue Code, as amended, solely in their civic or  
11 charitable functions and activities and all sales made to  
12 eleemosynary and penal institutions and industries of the state,  
13 and all sales made to any private not-for-profit institution of  
14 higher education not otherwise excluded pursuant to subdivision  
15 (19) of this subsection or any institution of higher education  
16 supported by public funds, and all sales made to a state relief  
17 agency in the exercise of relief functions and activities;

18 (21) All ticket sales made by benevolent, scientific and  
19 educational associations which are formed to foster, encourage,  
20 and promote progress and improvement in the science of  
21 agriculture and in the raising and breeding of animals, and by  
22 nonprofit summer theater organizations if such organizations are  
23 exempt from federal tax pursuant to the provisions of the  
24 Internal Revenue Code and all admission charges and entry fees to

1 the Missouri state fair or any fair conducted by a county  
2 agricultural and mechanical society organized and operated  
3 pursuant to sections 262.290 to 262.530, RSMo;

4 (22) All sales made to any private not-for-profit  
5 elementary or secondary school, all sales of feed additives,  
6 medications or vaccines administered to livestock or poultry in  
7 the production of food or fiber, all sales of pesticides used in  
8 the production of crops, livestock or poultry for food or fiber,  
9 all sales of bedding used in the production of livestock or  
10 poultry for food or fiber, all sales of propane or natural gas,  
11 electricity or diesel fuel used exclusively for drying  
12 agricultural crops, natural gas used in the primary manufacture  
13 or processing of fuel ethanol as defined in section 142.028,  
14 RSMo, and all sales of farm machinery and equipment, other than  
15 airplanes, motor vehicles and trailers. As used in this  
16 subdivision, the term "feed additives" means tangible personal  
17 property which, when mixed with feed for livestock or poultry, is  
18 to be used in the feeding of livestock or poultry. As used in  
19 this subdivision, the term "pesticides" includes adjuvants such  
20 as crop oils, surfactants, wetting agents and other assorted  
21 pesticide carriers used to improve or enhance the effect of a  
22 pesticide and the foam used to mark the application of pesticides  
23 and herbicides for the production of crops, livestock or poultry.  
24 As used in this subdivision, the term "farm machinery and

1 equipment" means new or used farm tractors and such other new or  
2 used farm machinery and equipment and repair or replacement parts  
3 thereon, and supplies and lubricants used exclusively, solely,  
4 and directly for producing crops, raising and feeding livestock,  
5 fish, poultry, pheasants, chukar, quail, or for producing milk  
6 for ultimate sale at retail and one-half of each purchaser's  
7 purchase of diesel fuel therefor which is:

8 (a) Used exclusively for agricultural purposes;

9 (b) Used on land owned or leased for the purpose of  
10 producing farm products; and

11 (c) Used directly in producing farm products to be sold  
12 ultimately in processed form or otherwise at retail or in  
13 producing farm products to be fed to livestock or poultry to be  
14 sold ultimately in processed form at retail;

15 (23) Except as otherwise provided in section 144.032, all  
16 sales of metered water service, electricity, electrical current,  
17 natural, artificial or propane gas, wood, coal or home heating  
18 oil for domestic use and in any city not within a county, all  
19 sales of metered or unmetered water service for domestic use;

20 (a) "Domestic use" means that portion of metered water  
21 service, electricity, electrical current, natural, artificial or  
22 propane gas, wood, coal or home heating oil, and in any city not  
23 within a county, metered or unmetered water service, which an  
24 individual occupant of a residential premises uses for



1 nonbusiness, noncommercial or nonindustrial purposes. Utility  
2 service through a single or master meter for residential  
3 apartments or condominiums, including service for common areas  
4 and facilities and vacant units, shall be deemed to be for  
5 domestic use. Each seller shall establish and maintain a system  
6 whereby individual purchases are determined as exempt or  
7 nonexempt;

8 (b) Regulated utility sellers shall determine whether  
9 individual purchases are exempt or nonexempt based upon the  
10 seller's utility service rate classifications as contained in  
11 tariffs on file with and approved by the Missouri public service  
12 commission. Sales and purchases made pursuant to the rate  
13 classification "residential" and sales to and purchases made by  
14 or on behalf of the occupants of residential apartments or  
15 condominiums through a single or master meter, including service  
16 for common areas and facilities and vacant units, shall be  
17 considered as sales made for domestic use and such sales shall be  
18 exempt from sales tax. Sellers shall charge sales tax upon the  
19 entire amount of purchases classified as nondomestic use. The  
20 seller's utility service rate classification and the provision of  
21 service thereunder shall be conclusive as to whether or not the  
22 utility must charge sales tax;

23 (c) Each person making domestic use purchases of services  
24 or property and who uses any portion of the services or property

1 so purchased for a nondomestic use shall, by the fifteenth day of  
2 the fourth month following the year of purchase, and without  
3 assessment, notice or demand, file a return and pay sales tax on  
4 that portion of nondomestic purchases. Each person making  
5 nondomestic purchases of services or property and who uses any  
6 portion of the services or property so purchased for domestic  
7 use, and each person making domestic purchases on behalf of  
8 occupants of residential apartments or condominiums through a  
9 single or master meter, including service for common areas and  
10 facilities and vacant units, under a nonresidential utility  
11 service rate classification may, between the first day of the  
12 first month and the fifteenth day of the fourth month following  
13 the year of purchase, apply for credit or refund to the director  
14 of revenue and the director shall give credit or make refund for  
15 taxes paid on the domestic use portion of the purchase. The  
16 person making such purchases on behalf of occupants of  
17 residential apartments or condominiums shall have standing to  
18 apply to the director of revenue for such credit or refund;

19 (24) All sales of handicraft items made by the seller or  
20 the seller's spouse if the seller or the seller's spouse is at  
21 least sixty-five years of age, and if the total gross proceeds  
22 from such sales do not constitute a majority of the annual gross  
23 income of the seller;

24 (25) Excise taxes, collected on sales at retail, imposed by

1 Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and  
2 4271 of Title 26, United States Code. The director of revenue  
3 shall promulgate rules pursuant to chapter 536, RSMo, to  
4 eliminate all state and local sales taxes on such excise taxes;

5 (26) Sales of fuel consumed or used in the operation of  
6 ships, barges, or waterborne vessels which are used primarily in  
7 or for the transportation of property or cargo, or the conveyance  
8 of persons for hire, on navigable rivers bordering on or located  
9 in part in this state, if such fuel is delivered by the seller to  
10 the purchaser's barge, ship, or waterborne vessel while it is  
11 afloat upon such river;

12 (27) All sales made to an interstate compact agency created  
13 pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010  
14 to 238.100, RSMo, in the exercise of the functions and activities  
15 of such agency as provided pursuant to the compact;

16 (28) Computers, computer software and computer security  
17 systems purchased for use by architectural or engineering firms  
18 headquartered in this state[. For the purposes of this  
19 subdivision, "headquartered in this state" means the office for  
20 the administrative management of at least four integrated  
21 facilities operated by the taxpayer is located in the state of  
22 Missouri];

23 (29) All livestock sales when either the seller is engaged  
24 in the growing, producing or feeding of such livestock, or the

1 seller is engaged in the business of buying and selling,  
2 bartering or leasing of such livestock;

3 (30) All sales of barges which are to be used primarily in  
4 the transportation of property or cargo on interstate waterways;

5 (31) Electrical energy or gas, whether natural, artificial  
6 or propane, which is ultimately consumed in connection with the  
7 manufacturing of cellular glass products;

8 (32) Notwithstanding other provisions of law to the  
9 contrary, all sales of pesticides or herbicides used in the  
10 production of crops, aquaculture, livestock or poultry;

11 (33) Tangible personal property purchased for use or  
12 consumption directly or exclusively in the research and  
13 development of prescription pharmaceuticals consumed by humans or  
14 animals;

15 (34) All sales of grain bins for storage of grain for  
16 resale;

17 (35) All sales of feed which are developed for and used in  
18 the feeding of pets owned by a commercial breeder when such sales  
19 are made to a commercial breeder, as defined in section 273.325,  
20 RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

21 (36) All purchases by a contractor on behalf of an entity  
22 located in another state, provided that the entity is authorized  
23 to issue a certificate of exemption for purchases to a contractor  
24 under the provisions of that state's laws. For purposes of this

1 subdivision, the term "certificate of exemption" shall mean any  
2 document evidencing that the entity is exempt from sales and use  
3 taxes on purchases pursuant to the laws of the state in which the  
4 entity is located. Any contractor making purchases on behalf of  
5 such entity shall maintain a copy of the entity's exemption  
6 certificate as evidence of the exemption. If the exemption  
7 certificate issued by the exempt entity to the contractor is  
8 later determined by the director of revenue to be invalid for any  
9 reason and the contractor has accepted the certificate in good  
10 faith, neither the contractor or the exempt entity shall be  
11 liable for the payment of any taxes, interest and penalty due as  
12 the result of use of the invalid exemption certificate.

13 Materials shall be exempt from all state and local sales and use  
14 taxes when purchased by a contractor for the purpose of  
15 fabricating tangible personal property which is used in  
16 fulfilling a contract for the purpose of constructing, repairing  
17 or remodeling facilities for the following:

18 (a) An exempt entity located in this state, if the entity  
19 is one of those entities able to issue project exemption  
20 certificates in accordance with the provisions of section  
21 144.062; or

22 (b) An exempt entity located outside the state if the  
23 exempt entity is authorized to issue an exemption certificate to  
24 contractors in accordance with the provisions of that state's law

1 and the applicable provisions of this section;

2 (37) Tangible personal property purchased for use or  
3 consumption directly or exclusively in research or  
4 experimentation activities performed by life science companies  
5 and so certified as such by the director of the department of  
6 economic development or the director's designees; except that,  
7 the total amount of exemptions certified pursuant to this section  
8 shall not exceed one million three hundred thousand dollars in  
9 state and local taxes per fiscal year. For purposes of this  
10 subdivision, the term "life science companies" means companies  
11 whose primary research activities are in agriculture,  
12 pharmaceuticals, biomedical or food ingredients, and whose North  
13 American Industry Classification System (NAICS) Codes fall under  
14 industry 541710 (biotech research or development laboratories),  
15 621511 (medical laboratories) or 541940 (veterinary services).  
16 The exemption provided by this subdivision shall expire on June  
17 30, 2003;

18 (38) All sales or other transfers of tangible personal  
19 property to a lessor, who leases the property under a lease of  
20 one year or longer executed or in effect at the time of the sale  
21 or other transfer, to an interstate compact agency created  
22 pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010  
23 to 238.100, RSMo.

24 144.083. 1. The director of revenue shall require all

1 persons who are responsible for the collection of taxes under the  
2 provisions of section 144.080 to procure a retail sales license  
3 at no cost to the licensee which shall be prominently displayed  
4 at his place of business, and the license is valid until revoked  
5 by the director or surrendered by the person to whom issued when  
6 sales are discontinued. The director shall issue the retail  
7 sales license within ten working days following the receipt of a  
8 properly completed application. Any person applying for a retail  
9 sales license or reinstatement of a revoked sales tax license who  
10 owes any tax under sections 144.010 to 144.510 or sections  
11 143.191 to 143.261, RSMo. must pay the amount due plus interest  
12 and penalties before the department may issue the applicant a  
13 license or reinstate the revoked license. All persons beginning  
14 business subsequent to August 13, 1986, and who are required to  
15 collect the sales tax shall secure a retail sales license prior  
16 to making sales at retail. Such license may, after ten days'  
17 notice, be revoked by the director of revenue only in the event  
18 the licensee shall be in default for a period of sixty days in  
19 the payment of any taxes levied under section 144.020 or sections  
20 143.191 to 143.261, RSMo.

21 2. The possession of a retail sales license shall be a  
22 prerequisite to the issuance of any city or county occupation  
23 license or any state license which is required for conducting any  
24 business where goods are sold at retail. The revocation of a

1 retailer's license by the director shall render the occupational  
2 license or the state license null and void.

3 3. No person responsible for the collection of taxes under  
4 section 144.080 shall make sales at retail unless such person is  
5 the holder of a valid retail sales license. After all appeals  
6 have been exhausted, the director of revenue may notify the  
7 county or city law enforcement agency representing the area in  
8 which the former licensee's business is located that the retail  
9 sales license of such person has been revoked, and that any  
10 county or city occupation license of such person is also revoked.  
11 The county or city may enforce the provisions of this section,  
12 and may prohibit further sales at retail by such person.

13 144.615. There are specifically exempted from the taxes  
14 levied in sections 144.600 to 144.745:

15 (1) Property, the storage, use or consumption of which this  
16 state is prohibited from taxing pursuant to the constitution or  
17 laws of the United States or of this state;

18 (2) Property, the gross receipts from the sale of which are  
19 required to be included in the measure of the tax imposed  
20 pursuant to the Missouri sales tax law;

21 (3) Tangible personal property, the sale or other transfer  
22 of which, if made in this state, would be exempt from or not  
23 subject to the Missouri sales tax pursuant to the provisions of  
24 subsections 2 and 3 of section 144.030;



1           (4) Motor vehicles, trailers, boats, and outboard motors  
2 subject to the tax imposed by section 144.440;

3           (5) Tangible personal property which has been subjected to  
4 a tax by any other state in this respect to its sales or use;  
5 provided, if such tax is less than the tax imposed by sections  
6 144.600 to 144.745, such property, if otherwise taxable, shall be  
7 subject to a tax equal to the difference between such tax and the  
8 tax imposed by sections 144.600 to 144.745;

9           (6) Tangible personal property held by processors,  
10 retailers, importers, manufacturers, wholesalers, or jobbers  
11 solely for resale in the regular course of business;

12           (7) Personal and household effects and farm machinery used  
13 while an individual was a bona fide resident of another state and  
14 who thereafter became a resident of this state, or tangible  
15 personal property brought into the state by a nonresident for his  
16 own storage, use or consumption while temporarily within the  
17 state.

18           301.025. 1. No state registration license to operate any  
19 motor vehicle in this state shall be issued unless the  
20 application for license of a motor vehicle or trailer is  
21 accompanied by a tax receipt for the tax year which immediately  
22 precedes the year in which the vehicle's or trailer's  
23 registration is due and which reflects that all taxes, including  
24 delinquent taxes from prior years, have been paid, or a statement

1 certified by the county or township collector of the county or  
2 township in which the applicant's property was assessed showing  
3 that the state and county tangible personal property taxes for  
4 such previous tax year and all delinquent taxes due have been  
5 paid by the applicant or that no such taxes were due or, if the  
6 applicant is not a resident of this state and serving in the  
7 armed forces of the United States, the application is accompanied  
8 by a leave and earnings statement from such person verifying such  
9 status or, if the applicant is an organization described  
10 pursuant to subdivision (5) of section 137.100, RSMo, or  
11 subsection 1 of section 137.101, RSMo, the application is  
12 accompanied by a document, in a form approved by the director,  
13 verifying that the organization is registered with the department  
14 of revenue or is determined by the internal revenue service to be  
15 a tax-exempt entity. If the director of the department of  
16 revenue has been notified by the assessor pursuant to subsection  
17 2 of section 137.101, RSMo, that the applicant's personal  
18 property is not tax-exempt, then the organization's application  
19 shall be accompanied by a statement certified by the county or  
20 township collector of the county or township in which the  
21 organization's property was assessed showing that the state and  
22 county tangible personal property taxes for such previous tax  
23 year and all delinquent taxes due have been paid by the  
24 organization. In the event the registration is a renewal of a

1 registration made two or three years previously, the application  
2 shall be accompanied by proof that taxes were not due or have  
3 been paid for the two or three years which immediately precede  
4 the year in which the motor vehicle's or trailer's registration  
5 is due. The county or township collector shall not be required  
6 to issue a receipt for the immediately preceding tax year until  
7 all personal property taxes, including all delinquent taxes  
8 currently due, are paid. If the applicant was a resident of  
9 another county of this state in the applicable preceding years,  
10 he or she must submit to the collector in the county or township  
11 of residence proof that the personal property tax was paid in the  
12 applicable tax years. Every county and township collector shall  
13 give each person a tax receipt or a certified statement of  
14 tangible personal property taxes paid. The receipt issued by the  
15 county collector in any county of the first classification with a  
16 charter form of government which contains part of a city with a  
17 population of at least three hundred fifty thousand inhabitants  
18 which is located in more than one county, any county of the first  
19 classification without a charter form of government with a  
20 population of at least one hundred fifty thousand inhabitants  
21 which contains part of a city with a population of at least three  
22 hundred fifty thousand inhabitants which is located in more than  
23 one county and any county of the first classification without a  
24 charter form of government with a population of at least one

1 hundred ten thousand but less than one hundred fifty thousand  
2 inhabitants shall be determined null and void if the person  
3 paying tangible personal property taxes issues or passes a check  
4 or other similar sight order which is returned to the collector  
5 because the account upon which the check or order was drawn was  
6 closed or did not have sufficient funds at the time of  
7 presentation for payment by the collector to meet the face amount  
8 of the check or order. The collector may assess and collect in  
9 addition to any other penalty or interest that may be owed, a  
10 penalty of ten dollars or five percent of the total amount of the  
11 returned check or order whichever amount is greater to be  
12 deposited in the county general revenue fund, but in no event  
13 shall such penalty imposed exceed one hundred dollars. The  
14 collector may refuse to accept any check or other similar sight  
15 order in payment of any tax currently owed plus penalty or  
16 interest from a person who previously attempted to pay such  
17 amount with a check or order that was returned to the collector  
18 unless the remittance is in the form of a cashier's check,  
19 certified check or money order. If a person does not comply with  
20 the provisions of this section, a tax receipt issued pursuant to  
21 this section is null and void and no state registration license  
22 shall be issued or renewed. Where no such taxes are due each  
23 such collector shall, upon request, certify such fact and  
24 transmit such statement to the person making the request. Each

1 receipt or statement shall describe by type the total number of  
2 motor vehicles on which personal property taxes were paid, and no  
3 renewal of any state registration license shall be issued to any  
4 person for a number greater than that shown on his or her tax  
5 receipt or statement except for a vehicle which was purchased  
6 without another vehicle being traded therefor, or for a vehicle  
7 previously registered in another state, provided the application  
8 for title or other evidence shows that the date the vehicle was  
9 purchased or was first registered in this state was such that no  
10 personal property tax was owed on such vehicle as of the date of  
11 the last tax receipt or certified statement prior to the renewal.  
12 The director of revenue shall make necessary rules and  
13 regulations for the enforcement of this section, and shall design  
14 all necessary forms. If electronic data is not available,  
15 residents of counties with a township form of government and with  
16 township collectors shall present personal property tax receipts  
17 which have been paid for the preceding two years when registering  
18 under this section.

19 2. Every county collector in counties with a population of  
20 over six hundred thousand and less than nine hundred thousand  
21 shall give priority to issuing tax receipts or certified  
22 statements pursuant to this section for any person whose motor  
23 vehicle registration expires in January. Such collector shall  
24 send tax receipts or certified statements for personal property

1 taxes for the previous year within three days to any person who  
2 pays the person's personal property tax in person, and within  
3 twenty working days, if the payment is made by mail. Any person  
4 wishing to have priority pursuant to this subsection shall notify  
5 the collector at the time of payment of the property taxes that a  
6 motor vehicle registration expires in January. Any person  
7 purchasing a new vehicle in December and licensing such vehicle  
8 in January of the following year, may use the personal property  
9 tax receipt of the prior year as proof of payment.

10 3. In addition to all other requirements, the director of  
11 revenue shall not register any vehicle subject to the heavy  
12 vehicle use tax imposed by Section 4481 of the Internal Revenue  
13 Code of 1954 unless the applicant presents proof of payment, or  
14 that such tax is not owing, in such form as may be prescribed by  
15 the United States Secretary of the Treasury. No proof of payment  
16 of such tax shall be required by the director until the form for  
17 proof of payment has been prescribed by the Secretary of the  
18 Treasury.

19 4. Beginning July 1, 2000, a county or township collector  
20 may notify, by ordinary mail, any owner of a motor vehicle for  
21 which personal property taxes have not been paid that if full  
22 payment is not received within thirty days the collector may  
23 notify the director of revenue to suspend the motor vehicle  
24 registration for such vehicle. Any notification returned to the

1 collector by the post office shall not result in the notification  
2 to the director of revenue for suspension of a motor vehicle  
3 registration. Thereafter, if the owner fails to timely pay such  
4 taxes the collector may notify the director of revenue of such  
5 failure. Such notification shall be on forms designed and  
6 provided by the department of revenue and shall list the motor  
7 vehicle owner's full name, including middle initial, the owner's  
8 address, and the year, make, model and vehicle identification  
9 number of such motor vehicle. Upon receipt of this notification  
10 the director of revenue may provide notice of suspension of motor  
11 vehicle registration to the owner at the owner's last address  
12 shown on the records of the department of revenue. Any  
13 suspension imposed may remain in effect until the department of  
14 revenue receives notification from a county or township collector  
15 that the personal property taxes have been paid in full. Upon  
16 the owner furnishing proof of payment of such taxes and paying a  
17 twenty dollar reinstatement fee to the director of revenue the  
18 motor vehicle or vehicles registration shall be reinstated. In  
19 the event a motor vehicle registration is suspended for  
20 nonpayment of personal property tax the owner so aggrieved may  
21 appeal to the circuit court of the county of his or her residence  
22 for review of such suspension at any time within thirty days  
23 after notice of motor vehicle registration suspension. Upon such  
24 appeal the cause shall be heard de novo in the manner provided by

1 chapter 536, RSMo, for the review of administrative decisions.  
2 The circuit court may order the director to reinstate such  
3 registration, sustain the suspension of registration by the  
4 director or set aside or modify such suspension. Appeals from  
5 the judgment of the circuit court may be taken as in civil cases.  
6 The prosecuting attorney of the county where such appeal is taken  
7 shall appear in behalf of the director, and prosecute or defend,  
8 as the case may require.

9 5. Any rule or portion of a rule, as that term is defined  
10 in section 536.010, RSMo, that is created under the authority  
11 delegated in this section shall become effective only if it  
12 complies with and is subject to all of the provisions of chapter  
13 536, RSMo, and, if applicable, section 536.028, RSMo. This  
14 section and chapter 536, RSMo, are nonseverable and if any of the  
15 powers vested with the general assembly pursuant to chapter 536,  
16 RSMo, to review, to delay the effective date or to disapprove and  
17 annul a rule are subsequently held unconstitutional, then the  
18 grant of rulemaking authority and any rule proposed or adopted  
19 after August 28, 2000, shall be invalid and void.

20 644.032. 1. The governing body of any municipality or  
21 county may impose, by ordinance or order, a sales tax in an  
22 amount not to exceed one-half of one percent on all retail sales  
23 made in such municipality or county which are subject to taxation  
24 under the provisions of sections 144.010 to 144.525, RSMo. The



1 tax authorized by this section and section 644.033 shall be in  
2 addition to any and all other sales taxes allowed by law, except  
3 that no ordinance or order imposing a sales tax under the  
4 provisions of this section and section 644.033 shall be effective  
5 unless the governing body of the municipality or county submits  
6 to the voters of the municipality or county, at a municipal,  
7 county or state general, primary or special election, a proposal  
8 to authorize the governing body of the municipality or county to  
9 impose a tax, provided, that the tax authorized by this section  
10 shall not be imposed on the sales of food, as defined in section  
11 144.014, RSMo, when imposed by any county with a charter form of  
12 government and with more than one million inhabitants.

13 2. The ballot of submission shall contain, but need not be  
14 limited to, the following language:

15 Shall the municipality (county) of ..... impose a  
16 sales tax of ..... (insert amount) for the purpose of  
17 providing funding for ..... (insert either storm water  
18 control, or local parks, or storm water control and local parks)  
19 for the municipality (county)?

20 [ ] YES

[ ] NO

21 If a majority of the votes cast on the proposal by the qualified  
22 voters voting thereon are in favor of the proposal, then the  
23 ordinance or order and any amendments thereto shall be in effect

1 on the first day of the second quarter after the director of  
2 revenue receives notice of adoption of the tax. If a majority of  
3 the votes cast by the qualified voters voting are opposed to the  
4 proposal, then the governing body of the municipality or county  
5 shall not impose the sales tax authorized in this section and  
6 section 644.033 until the governing body of the municipality or  
7 county resubmits another proposal to authorize the governing body  
8 of the municipality or county to impose the sales tax authorized  
9 by this section and section 644.033 and such proposal is approved  
10 by a majority of the qualified voters voting thereon; however, in  
11 no event shall a proposal pursuant to this section and section  
12 644.033 be submitted to the voters sooner than twelve months from  
13 the date of the last proposal pursuant to this section and  
14 section 644.033.

15 3. All revenue received by a municipality or county from  
16 the tax authorized under the provisions of this section and  
17 section 644.033 shall be deposited in a special trust fund and  
18 shall be used to provide funding for storm water control or for  
19 local parks, or both, within such municipality or county,  
20 provided that such revenue may be used for local parks outside  
21 such municipality or county if the municipality or county is  
22 engaged in a cooperative agreement pursuant to section 70.220,  
23 RSMo.

24 4. Any funds in such special trust fund which are not

1 needed for current expenditures may be invested by the governing  
2 body in accordance with applicable laws relating to the  
3 investment of other municipal or county funds.

4 Section 1. 1. "Public entity", as used in this section,  
5 shall mean the board of fund commissioners of the state and the  
6 state board of public buildings.

7 2. Any public entity as defined in subsection 1 of this  
8 section may:

9 (1) Execute and perform any obligations under any  
10 instruments, contracts, or agreements convenient or necessary to  
11 incur obligations with interest calculated at a fixed or variable  
12 rate; and

13 (2) Obtain without any requirement for bidding, but with  
14 compliance with the public entity's policies, credit enhancement  
15 or other financing arrangements and execute and perform any  
16 obligations under any related contracts and agreements convenient  
17 or necessary to facilitate such enhancement or financing  
18 arrangements including but not limited to arrangements such as  
19 municipal bond insurance; surety bonds; liquidity facilities;  
20 forward agreements; tender agreements; remarketing agreements;  
21 option agreements; interest rate swap, exchange, cap, lock or  
22 floor agreements; letters of credit; and purchase agreements.

23 3. All financial arrangements entered into under the  
24 provisions of this section shall be fully enforceable as valid

1 and binding contracts as and to the extent provided herein and by  
2 other applicable law.

3 4. Nothing in this section shall be applied or interpreted  
4 to diminish the power any public entity may otherwise have under  
5 any other provisions of law.

6 [135.750. 1. Beginning January 1,  
7 1999, a taxpayer shall be granted a tax  
8 credit against the tax otherwise due pursuant  
9 to chapter 143, RSMo, excluding withholding  
10 tax imposed by sections 143.191 to 143.261,  
11 RSMo, or chapter 148, RSMo, for up to fifty  
12 percent of the amount of investment in  
13 production or production-related activities  
14 in a qualified film production project. As  
15 used in this section, the term "taxpayer"  
16 means an individual, a partnership, or a  
17 corporation as described in section 143.441,  
18 143.471, RSMo, or section 148.370, RSMo, and  
19 the term "qualified film production project"  
20 means any film production project with an  
21 expected in-state expenditure budget in  
22 excess of three hundred thousand dollars.  
23 Each film production company shall be limited  
24 to one qualified film production project per  
25 year. Activities qualifying a taxpayer for  
26 the tax credit pursuant to this subsection  
27 shall be approved by the office of the  
28 Missouri film commission and the department  
29 of economic development.

30 2. Taxpayers shall apply for the film  
31 production tax credit by submitting an  
32 application to the department of economic  
33 development, on a form provided by the  
34 department. As part of the application, the  
35 expected in-state expenditures of the  
36 qualified film production project shall be  
37 documented. In addition, the application  
38 shall include an economic impact statement,  
39 showing the economic impact from the  
40 activities of the film production project.  
41 Such economic impact statement shall indicate  
42 the impact on the region of the state in  
43 which the film production or

1 production-related activities are located and  
2 on the state as a whole.

3 3. Tax credits certified pursuant to  
4 subsection 1 of this section shall not exceed  
5 five hundred thousand dollars per taxpayer  
6 per year, and shall not exceed a total for  
7 all tax credits certified of one million  
8 dollars per year. Taxpayers may carry  
9 forward unused credits for up to five tax  
10 periods, provided all such credits shall be  
11 claimed within ten tax periods following the  
12 tax period in which the film production or  
13 production-related activities for which the  
14 credits are certified by the department  
15 occurred.

16 4. Notwithstanding any provision of law  
17 to the contrary, any taxpayer may sell,  
18 assign, exchange, convey or otherwise  
19 transfer tax credits allowed in subsection 1  
20 of this section. The taxpayer acquiring the  
21 tax credits may use the acquired credits to  
22 offset the tax liabilities otherwise imposed  
23 by chapter 143, RSMo, excluding withholding  
24 tax imposed by sections 143.191 to 143.261,  
25 RSMo, or chapter 148, RSMo. Unused acquired  
26 credits may be carried forward for up to five  
27 tax periods, provided all such credits shall  
28 be claimed within ten tax periods following  
29 the tax period in which the film production  
30 or production-related activities for which  
31 the credits are certified by the department  
32 occurred.]

33 Section B. The enactment of section 137.078 and the repeal  
34 and reenactment of section 143.081 of section A of this act shall  
35 become effective January 1, 2005.

36 Section C. Because immediate action is necessary to protect  
37 the economic welfare of the citizens of this state, the repeal  
38 and reenactment of sections 137.100, 144.030, and 144.615 of  
39 section A of this act is deemed necessary for the immediate  
40 preservation of the public health, welfare, peace, and safety,

1       and is hereby declared to be an emergency act within the meaning  
2       of the constitution, and the repeal and reenactment of sections  
3       137.100, 144.030, and 144.615 of section A of this act shall be  
4       in full force and effect upon its passage and approval.